



City of Charleston

BOARD OF ZONING APPEALS-ZONING

November 2, 2021

5:15 PM

DEPARTMENT OF PLANNING, PRESERVATION & SUSTAINABILITY

www.charleston-sc.gov/bza-z

****Video and microphone is currently disabled for all attendees.****

This meeting is being recorded.

Go to www.charleston-sc.gov/bza-z for instructions to join. Call (843) 724-3770 if you are experiencing technical difficulties.

Zoom Meeting Protocol

Order on Each Application:

- Chair announces each application followed by staff presentation and recommendation
- Staff presents application and City's recommendation. Staff will control slide presentation
- Staff announces comments received and whether anyone has signed up to speak
- Applicant, after being sworn in, will be allowed to present their application if opposition or questions are raised, followed by public comments from pre-registered attendees in favor. Each speaker will be sworn in before speaking
- Staff then recognizes registered attendees for public comments in opposition. Each speaker will be sworn in
- Staff then recognizes the applicant for a short rebuttal before Chair closes public comments and begins Board discussion

Providing Comment:

- People who sign up to speak prior to the 12 noon deadline will be called on when it is your turn to speak and your microphone will be enabled. You may only speak once on each item.
- Your microphone will be disabled after you are finished speaking.

Board of Zoning Appeals-Zoning

Your Board of Zoning Appeals-Zoning Members are:

Michael Robinson - Chair	Howell Morrison
John Bennett	Robben Richards
Allison Cannon Grass	Geiza Vargas-Vargas
Walter Jaudon	

Your City of Charleston Staff are:

Lee Batchelder, <i>Zoning Administrator</i>	Pennye Ashby, <i>Senior Planner</i>
Scott Valentine, <i>TRC Coordinator</i>	Vanessa Ellington, <i>Clerk</i>

The Board of Zoning Appeals—Zoning has the authority to do three things:

1. Hear appeals to decisions of the Zoning Administrator;
2. Grant special exceptions, a fact finding function of the Board; and
3. Grant variances to the Zoning Ordinance if the application meets the hardship test outlined in Section 54-924 of the ordinance.

Board of Zoning Appeals-Zoning

Requirements for Granting a Variance

A variance may be granted by the Board of Zoning Appeals in an individual case of unnecessary hardship if the Board makes the following findings:

- a. there are extraordinary and exceptional conditions pertaining to the particular piece of property;
- b. these conditions do not generally apply to other property in the vicinity;
- c. because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and
- d. the authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.

Agenda Item #A-1

Approval of October 19, 2021 BZA-Z Minutes
(click on link below)

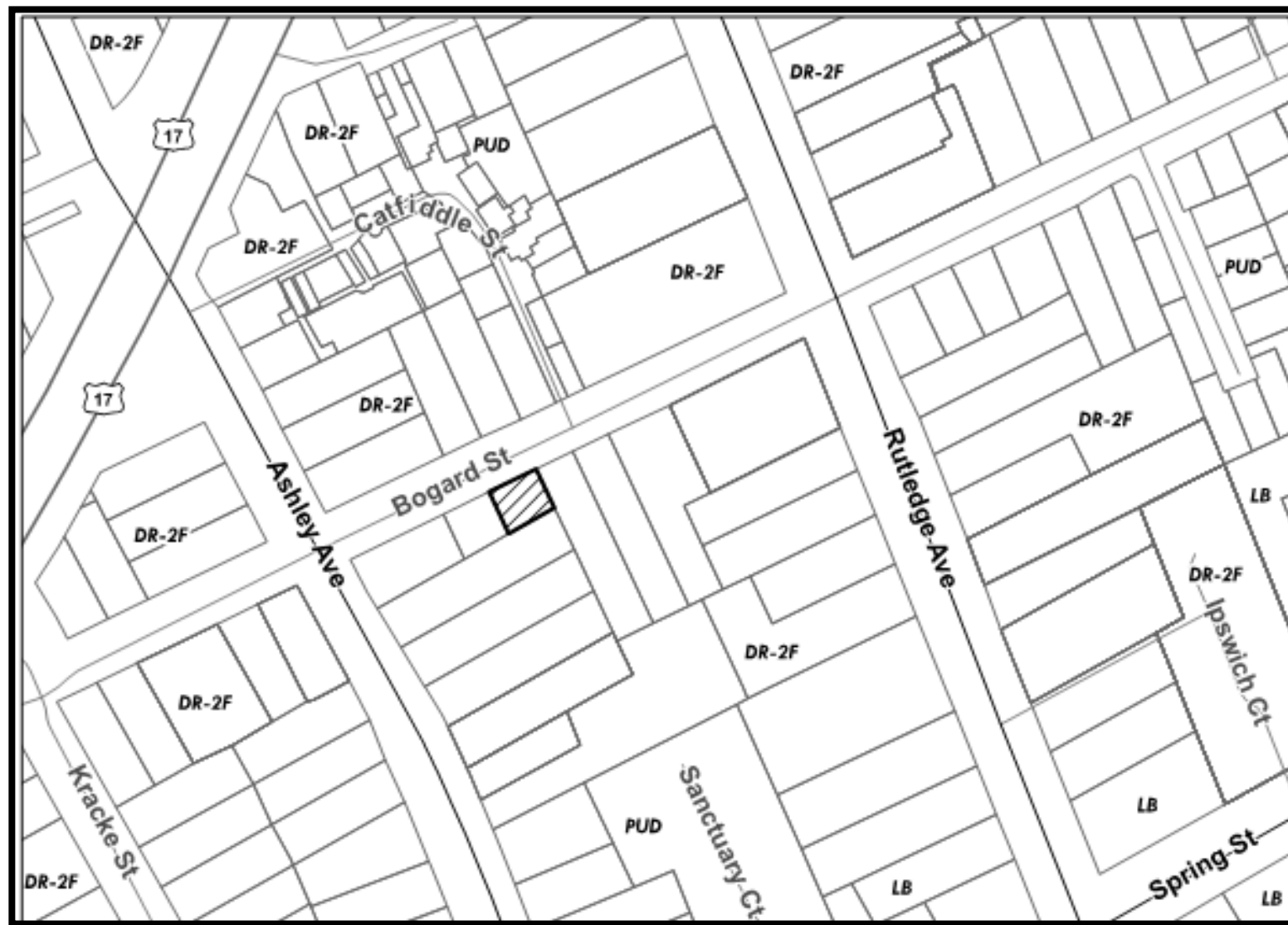
[https://www.charleston-sc.gov/AgendaCenter/ViewFile/Agenda/ 10192021-6943](https://www.charleston-sc.gov/AgendaCenter/ViewFile/Agenda/10192021-6943)

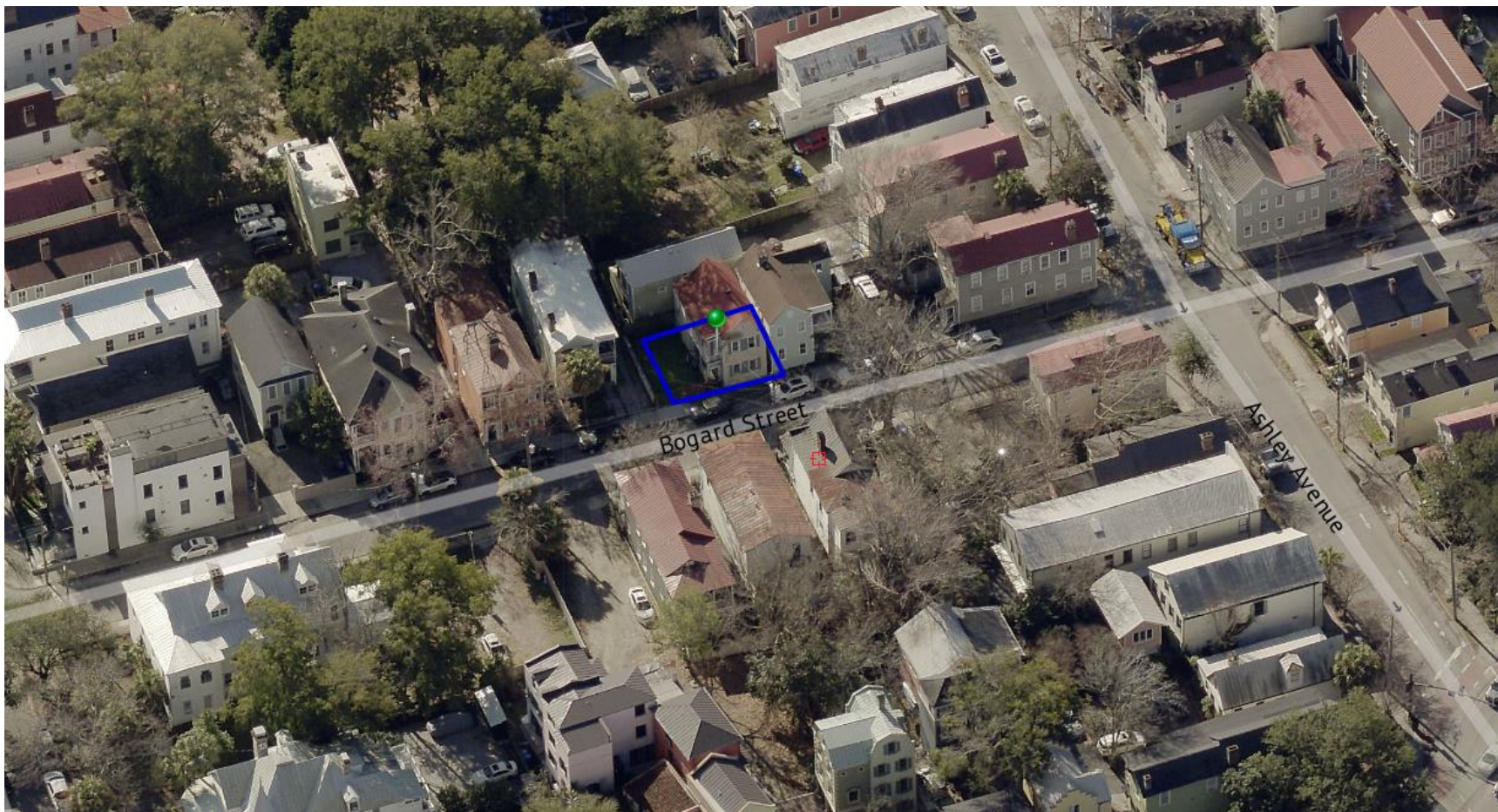
Agenda Item #B-1

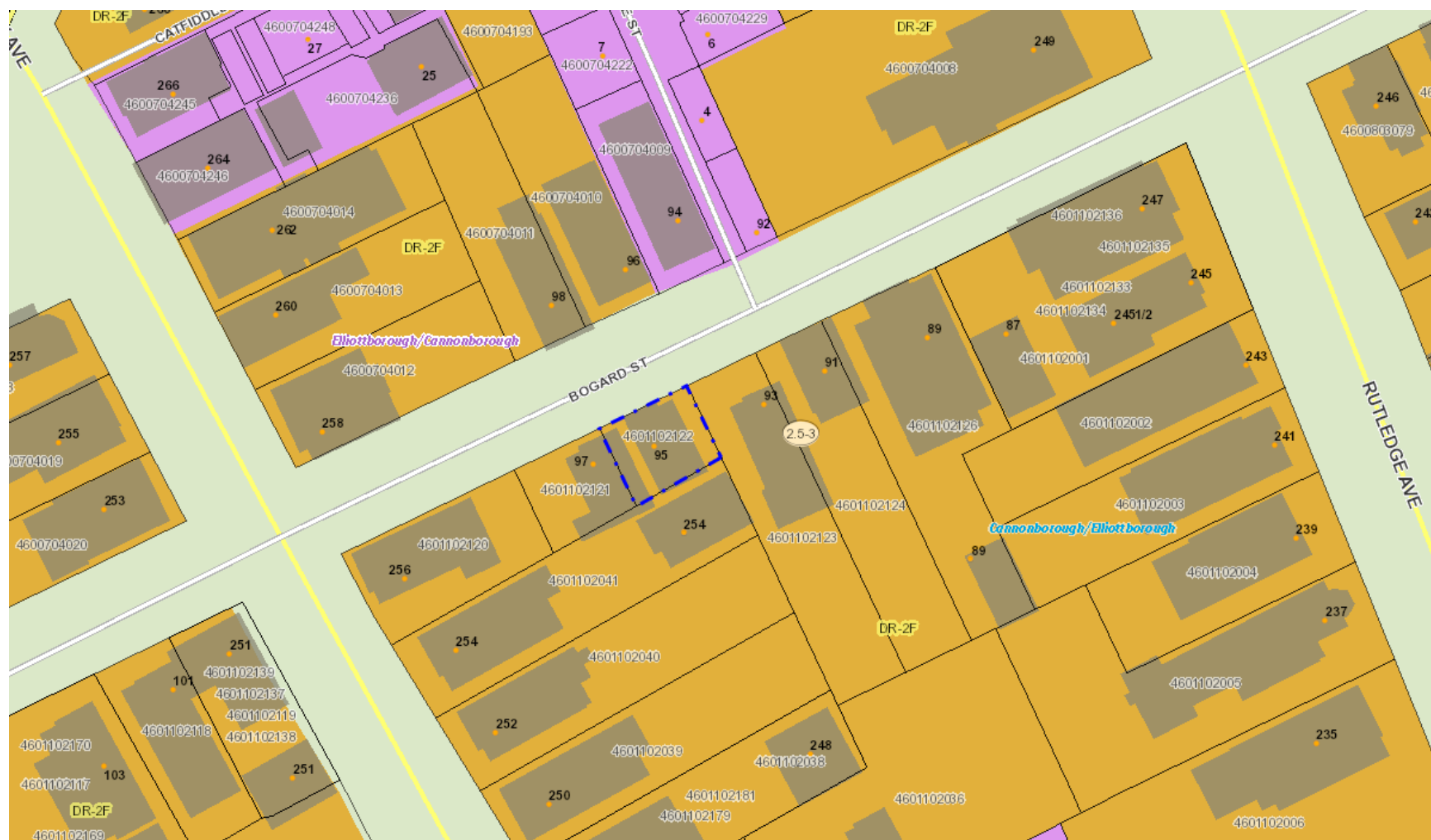
95 BOGARD STREET
(CANNONBOROUGH/ELLIOTBOROUGH)
TMS# 460-11-02-122

Request first one-year extension of a vested right, that expires on December 17, 2021, pursuant to Sec. 54-962. Vested right pertains to a variance granted from Sec. 54-301 on December 17, 2019 to allow a 2-story addition and hvac platform with a 60% lot occupancy.

Zoned DR-2F









Application for Variance, Special Exception, Reconsideration, or Extension
to the Board of Zoning Appeals – Zoning (BZA-Z)

Page 1 of 2

City of Charleston

Instructions – This application, along with the required information and fee, must be submitted to the Permit Center at 2 George Street. **Applications are due by 12 Noon on the deadline date and must be complete to be accepted and placed on an agenda.** A sign will be posted on the property, and a public hearing will be conducted by the Board of Zoning Appeals – Zoning. **Permits authorized by the Board cannot be issued during a five (5) business day appeal period following the decision of the Board, except for use variances, the appeal period shall be fifteen (15) calendar days.** An appeal to the Board during this appeal period stays all further action on the application.

THE APPLICANT HEREBY REQUESTS:

- ☐ A Variance and/or Special Exception as indicated on page 2 of this application.
- ☐ Reconsideration of a decision of the Board or action of a zoning official (attach Appeal form).
- ☒ Extension of an unexpired Variance and/or Special Exception approval.

MEETING DATE REQUESTED: Nov. 2nd 2021

Property Address 95 BOGARD TMS # 460-11-02-122

Property Owner CHARLIE MASENCUP Daytime Phone 843-408-1400

Applicant SAME Daytime Phone _____

Applicant's Mailing Address 138 BROAD ST. APT D CHARLESTON SC 29401

E-mail Address MASENCUP1@GMAIL.COM

Relationship of applicant to owner (same, representative, prospective buyer, other) SAME

Zoning of property DR-2F

Information required with application: (check information submitted)

- ☒ Scaled plans or plats, including elevations, showing the variance(s) or special exception(s) being requested (3 sets)
- ☒ For new construction or additions within a flood zone, show HVAC units and platform on scaled plans
- ☐ Scaled floor plans with rooms labeled and the total floor area for each dwelling unit noted are required for all density variances and building additions, unless exempted by the Zoning staff (3 sets)
- ☒ Plans or documents necessary to show compliance with special exception requirements (3 sets)
- ☐ Check, credit card or cash (make checks payable to the City of Charleston)
- ☐ YES or ☐ NO - Is this Property restricted by any recorded covenant that is contrary to, conflicts with or prohibits the proposed land use encompassed in this permit application? § 6-29-1145 of the South Carolina Code of Laws

Optional but very helpful information:

- ☐ Photographs
- ☐ Letters or petitions from neighbors or organizations directly affected by your request

I certify that the information on this application and any attachments is correct, that the proposed improvement(s) comply with private neighborhood covenants, if there are any, and that I am the owner of the subject property or the authorized representative of the owner. I authorize the subject property to be posted with a notice of the Board hearing and inspected.

Applicant [Signature] Date 7-28-21

For office use only		Time application received _____	
Date application received _____	Fee \$ _____	Receipt # _____	
Staffperson _____			



Application for Variance, Special Exception, Reconsideration, or Extension
to the Board of Zoning Appeals – Zoning (BZA-Z)

Page 1 of 2

City of Charleston

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Property Address 95 BOGARD TMS # 460-11-02-122

Property Owner CHARLIE MASENCUP Daytime Phone 843-408-1400

Applicant SAME Daytime Phone _____

Applicant's Mailing Address 138 BROAD ST. APTD CHARLSTON SC 29401

E-mail Address MASENCUP1@GMAIL.COM

Relationship of applicant to owner (same, representative, prospective buyer, other) SAME

Zoning of property DR-2F

Information required with application: (check information submitted)

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☐ Scaled floor plans with rooms labeled and the total floor area for each dwelling unit noted are required for all density variances and building additions, unless exempted by the Zoning staff (3 sets)
☒ Plans or documents necessary to show compliance with special exception requirements (3 sets)
☐ Check, credit card or cash (make checks payable to the City of Charleston)
☐ YES or ☐ NO - Is this Property restricted by any recorded covenant that is contrary to, conflicts with or prohibits the proposed land use encompassed in this permit application? § 6-29-1145 of the South Carolina Code of Laws

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- ☐ Photographs
☐ Letters or petitions from neighbors or organizations directly affected by your request

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Applicant [Signature] Date 7-28-21

For office use only	
Date application received _____	Time application received _____
Staffperson _____	Fee \$ _____ Receipt # _____



Board of Zoning Appeals - Zoning
- Results -
City of Charleston

Page 1 of 1

PROPERTY LOCATION, TMS NUMBER(S) AND DESCRIPTION OF REQUEST(S):

95 BOGARD ST. (CANNONBOROUGH/ELLIOTBOROUGH) (480-11-02-122)
Request special exception under Sec. 54-110 to allow a 2-story addition (study bathrooms/
bedrooms/closets) that extends a non-conforming 1-ft. rear setback (3-ft. required).
Request variance from Sec. 54-301 to allow a 2-story addition and hvac platform with a 60% lot
occupancy (50% limitation; existing lot occupancy is 48%).
Zoned DR-2F.

Special Exception Request

The Board of Zoning Appeals-Zoning held a public hearing to consider the above appeal for a special exception which may be permitted by the Board pursuant to the Zoning Ordinance for the property described above. After consideration of the evidence and arguments presented, the Board makes the following findings of fact and conclusions:

☒ **DENIED** The Board concludes that the standards in the Section(s) of the Zoning Ordinance listed above, which are applicable to the requested special exception(s) have not been met and therefore orders that the special exception(s) be denied.

☐ **APPROVED** The Board concludes that the standards in the Section(s) of the Zoning Ordinance listed above, which are applicable to the requested special exception(s) have been met and therefore orders that the special exception(s) be granted, subject to the following conditions, if any:

Date issued 12/17/19, Chairman [Signature]

Variance Request

The Board of Zoning Appeals-Zoning held a public hearing to consider an appeal for a variance from the strict application of the Zoning Ordinance for the property described above. After consideration of the evidence and arguments presented, the Board makes the following findings of fact and conclusions:

☒ **DENIED** The Board concludes that the requirements for granting a variance have not been met and, therefore, orders that the variance be denied.

☒ **APPROVED** The Board concludes that:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property;
2. These conditions do not generally apply to other property in the vicinity;
3. Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and
4. Authorization of the variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.

THE BOARD, THEREFORE, finds that the applicant has an unnecessary hardship and orders that the variance be granted, subject to the following conditions, if any:

Date issued 12/17/19, Chairman [Signature]

Approvals of the Board shall remain valid for two (2) years from the approval date, unless extended in accordance with the provisions of Section 54-962. Applicants may not apply for the same request that has been denied by the Board until a period of six (6) months has lapsed.

[illegible]

PROPOSED SITE PLAN / FIRST FLOOR

REAR
SITE PLAN / FIRST FLOOR
SEIBAK



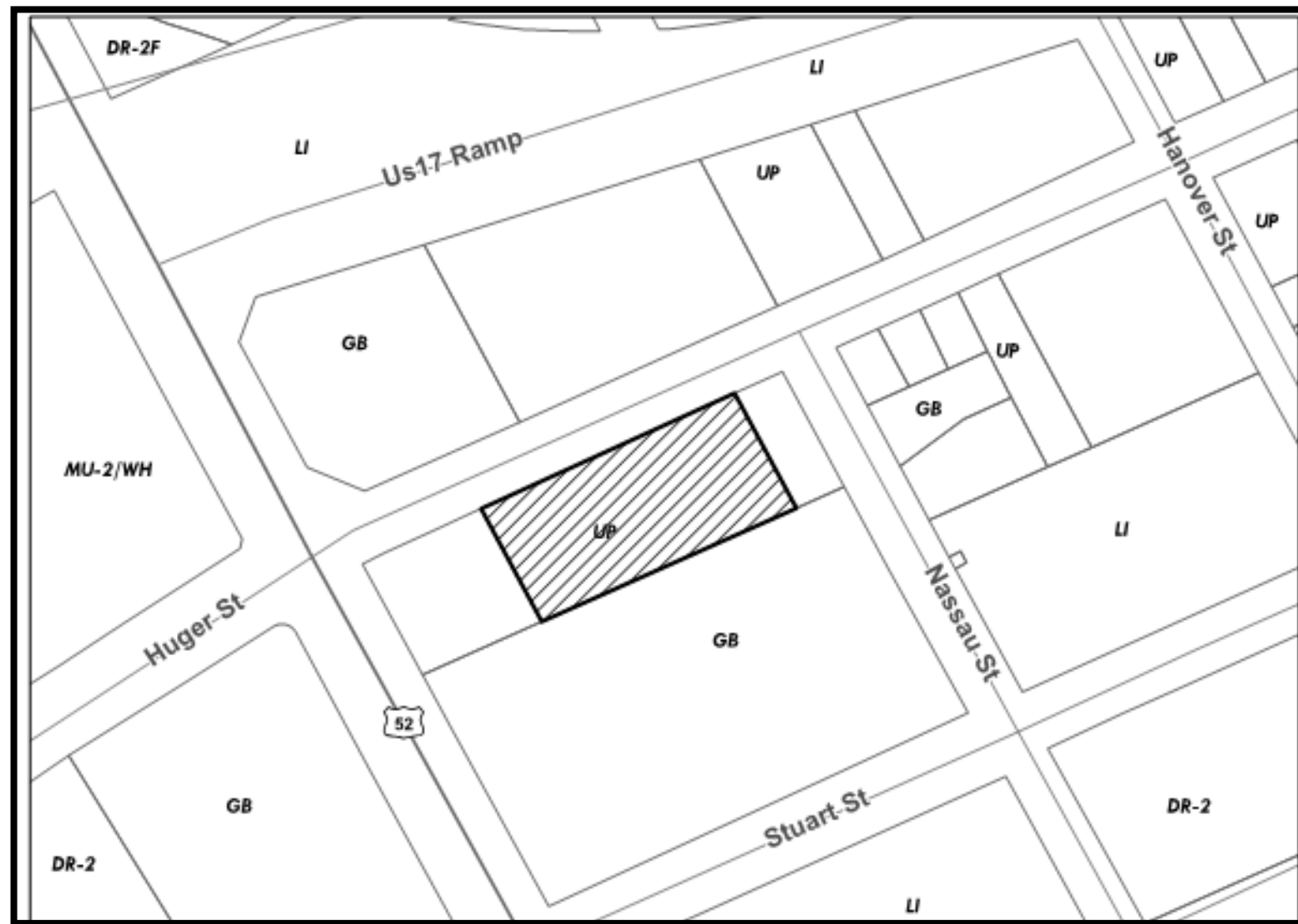
Agenda Item #B-2

245 HUGER STREET

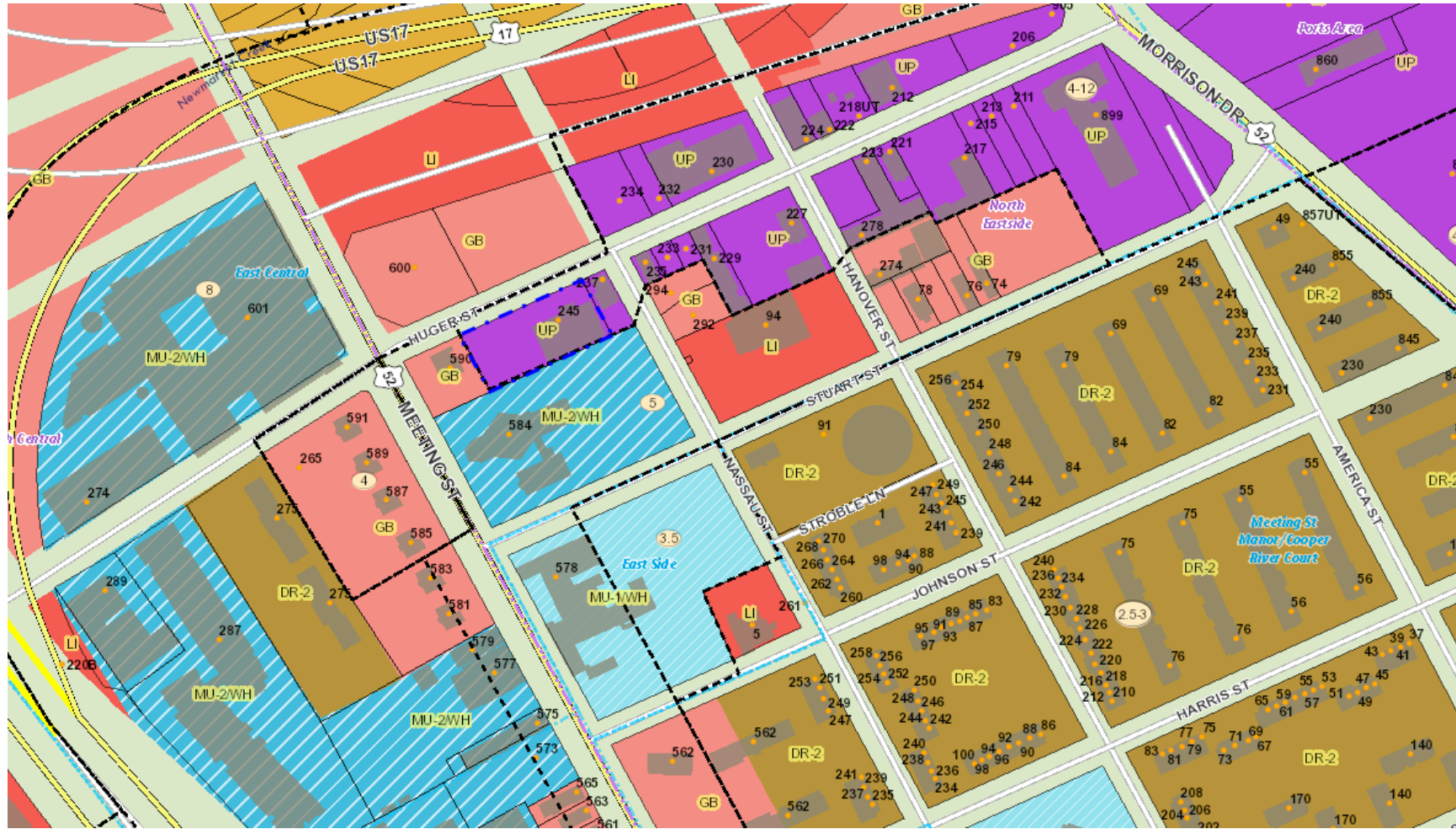
(NORTH CENTRAL)

TMS # 459-01-03-048

Request first one-year extension of a vested right that expires on January 21, 2022, pursuant to Sec. 54-962. Vested right pertains to a special exception granted under Sec. 54-220 on January 21, 2020 to allow a 150-unit accommodations use in an UP-A (Upper Peninsula-Accommodations) zone district.









City of Charleston

Instructions – Submit this application, along with the required information and fee, to the Permit Center at 2 George Street. **Applications are due by 12 Noon on the deadline date and must be complete to be accepted and placed on an agenda.** A sign will be posted on the property, and a public hearing will be conducted by the Board of Zoning Appeals – Zoning. **Permits authorized by the Board cannot be issued during a five (5) business day appeal period following the decision of the Board, except for use variances, the appeal period shall be fifteen (15) calendar days.** An appeal to the Board during this appeal period stays all further action on the application.

THE APPLICANT HEREBY REQUESTS: **1 YEAR EXTENSION OF BZA-Z HOTEL SPECIAL EXCEPTION**

- ☒ A Variance and/or Special Exception as indicated on page 2 of this application.
☐ Reconsideration of a decision of the Board or action of a zoning official (attach Appeal form).
☐ Extension of an unexpired Variance and/or Special Exception approval.

MEETING DATE REQUESTED: OCTOBER 5, 2021

Property Address 245 HUGER STREET TMS # 459-01-03-048

Property Owner 245 HUGER STREET LLC Daytime Phone SUNJU PATEL 843.469.2750

Applicant STEPHEN RAMOS, LS3P & SUNJU PATEL, THE MONTFORD GROUP Daytime Phone STEVE RAMOS 843.958.5419

Applicant's Mailing Address LS3P, 205 1/2 KING STREET

E-mail Address STEPHENRAMOS@LS3P.COM

Relationship of applicant to owner (same, representative, prospective buyer, other) DESIGN PROFESSIONAL

Zoning of property UP

Information required with application: (check information submitted)

- ☒ Scaled plans or plats, including elevations, showing the variance(s) or special exception(s) being requested (3 sets)
☐ For new construction or additions within a flood zone, show HVAC units and platform on scaled plans
☐ Scaled floor plans with rooms labeled and the total floor area for each dwelling unit noted are required for all density variances and building additions, unless exempted by the Zoning staff (3 sets)
☒ Plans or documents necessary to show compliance with special exception requirements (3 sets)
☒ Check, credit card or cash (make checks payable to the City of Charleston)
☐ YES or ☒ NO - Is this Property restricted by any recorded covenant that is contrary to, conflicts with or prohibits the proposed land use encompassed in this permit application? § 6-29-1145 of the South Carolina Code of Laws

Optional but very helpful information:

- ☒ Photographs
☐ Letters or petitions from neighbors or organizations directly affected by your request

I certify that the information on this application and any attachments is correct, that the proposed improvement(s) comply with private neighborhood covenants, if there are any, and that I am the owner of the subject property or the authorized representative of the owner. I authorize the subject property to be posted with a notice of the Board hearing and inspected.

Applicant Stephen Ramos Date 8/27/2021

For office use only		
Date application received	Fee \$	Time application received
Staffperson		Receipt #

For **Variance** requests, applicants should list the specific variance[s] being requested and, if possible, explain how the variance test that follows is met (add as an attachment if necessary):

Variance Test: The Board of Zoning Appeals-Zoning is authorized to approve a variance from the requirements of the Zoning Ordinance when strict application of the provisions of the ordinance would result in unnecessary hardship. A variance may be granted in an individual case of unnecessary hardship if the Board makes the following findings:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property;
2. These conditions do not generally apply to other property in the vicinity;
3. Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and
4. The authorization of the variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.

In granting a variance, the Board may attach to it such conditions regarding the location, character, or other features of the proposed building, structure, or use as the board may consider advisable to protect established property values in the surrounding area or to promote the public health, safety, or general welfare. (SC Code of Laws § 6-29-800)

For **Special Exception** requests, applicants should list the specific approval[s] being requested and include documentation to demonstrate compliance with the relevant special exception requirements of the Zoning Ordinance, such as § 54-110, § 54-206, or sections in Article 5 (add as an attachment if necessary):

REQUESTING THE 1ST 1-YEAR EXTENSION OF THE BZA-Z HOTEL SPECIAL EXCEPTION.

All approvals of the Board shall remain valid for two (2) years from the approval date, unless extended in accordance with the provisions of Article 9, Part 5 of the zoning ordinance. Applicants may not apply for the same request that has been denied by the Board until a period of six (6) months has lapsed.



City of Charleston

Instructions – Submit this application, along with the required information and fee, to the Permit Center at 2 George Street. **Applications are due by 12 Noon on the deadline date and must be complete to be accepted and placed on an agenda.** A sign will be posted on the property, and a public hearing will be conducted by the Board of Zoning Appeals – Zoning. **Permits authorized by the Board cannot be issued during a five (5) business day appeal period following the decision of the Board, except for use variances, the appeal period shall be fifteen (15) calendar days.** An appeal to the Board during this appeal period stays all further action on the application.

THE APPLICANT HEREBY REQUESTS:

- ☒ A Variance and/or Special Exception as indicated on page 2 of this application.
☐ Reconsideration of a decision of the Board or action of a zoning official (attach Appeal form).
☐ Extension of an unexpired Variance and/or Special Exception approval.

MEETING DATE REQUESTED: JANUARY 21, 2019 2020

Property Address 245 HUGER STREET TMS # 459-01-03-048
CURRENT OWNER: CHASE FURNITURE COMPANY, INC BEN CHASE SUNJU PATEL
Property Owner _ FUTURE OWNER: THE MONTFORD GROUP _ Daytime Phone 843.478.9594 843.469.2750
Applicant _ STEPHEN RAMOS, LS3P & SUNJU PATEL, THE MONTFORD GROUP _ Daytime Phone STEVE RAMOS
843.958.5419

Applicant's Mailing Address LS3P, 205 1/2 KING STREET
E-mail Address STEPHENRAMOS@LS3P.COM

Relationship of applicant to owner (same, representative, prospective buyer, other) DESIGN PROFESSIONAL

Zoning of property UP

Information required with application: (check information submitted)

- ☒ Scaled plans or plats, including elevations, showing the variance(s) or special exception(s) being requested (3 sets)
☐ For new construction or additions within a flood zone, show HVAC units and platform on scaled plans
☐ Scaled floor plans with rooms labeled and the total floor area for each dwelling unit noted are required for all density variances and building additions, unless exempted by the Zoning staff (3 sets)
☒ Plans or documents necessary to show compliance with special exception requirements (3 sets)
☒ Check, credit card or cash (make checks payable to the City of Charleston)
☐ YES or ☒ NO - Is this Property restricted by any recorded covenant that is contrary to, conflicts with or prohibits the proposed land use encompassed in this permit application? § 6-29-1145 of the South Carolina Code of Laws

Optional but very helpful information:

- ☒ Photographs
☐ Letters or petitions from neighbors or organizations directly affected by your request

I certify that the information on this application and any attachments is correct, that the proposed improvement(s) comply with private neighborhood covenants, if there are any, and that I am the owner of the subject property or the authorized representative of the owner. I authorize the subject property to be posted with a notice of the Board hearing and inspected.

Applicant Stephen Ramos Date 12/21/2019

For office use only
Date application received 12/12/19 Fee \$ 4000.00 Time application received 1:22 PM
Staffperson SK Receipt # 471507

For **Variance** requests, applicants should list the specific variance(s) being requested and, if possible, explain how the variance test that follows is met (add as an attachment if necessary):

Variance Test: The Board of Zoning Appeals-Zoning is authorized to approve a variance from the requirements of the Zoning Ordinance when strict application of the provisions of the ordinance would result in unnecessary hardship. A variance may be granted in an individual case of unnecessary hardship if the Board makes the following findings:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property;
2. These conditions do not generally apply to other property in the vicinity;
3. Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and
4. The authorization of the variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.

In granting a variance, the Board may attach to it such conditions regarding the location, character, or other features of the proposed building, structure, or use as the board may consider advisable to protect established property values in the surrounding area or to promote the public health, safety, or general welfare. (SC Code of Laws § 6-29-800)

For **Special Exception** requests, applicants should list the specific approval(s) being requested and include documentation to demonstrate compliance with the relevant special exception requirements of the Zoning Ordinance, such as § 54-110, § 54-206, or sections in Article 5 (add as an attachment if necessary):

REQUESTING APPROVAL OF 150 ROOM HOTEL AT 245 HUGER STREET.. SEE ATTACHED SPECIAL
—EXCEPTION EXHIBITS, ZONING NARRATIVE AND TRIP GENERATION LETTER.

All approvals of the Board shall remain valid for two (2) years from the approval date, unless extended in accordance with the provisions of Article 9, Part 5 of the zoning ordinance. Applicants may not apply for the same request that has been denied by the Board until a period of six (6) months has lapsed.



PROPERTY LOCATION, TMS NUMBER(S) AND DESCRIPTION OF REQUEST(S):

245 HUGER ST. (NORTH CENTRAL) (459-01-03-048)

Request special exception under Sec. 54-220 to allow a150-unit accommodations use in an UP-A (Upper Peninsula-Accommodations) zone district.

Order on Special Exception Request

The Board of Zoning Appeals-Zoning held a public hearing to consider the above appeal for a special exception which may be permitted by the Board pursuant to the Zoning Ordinance for the property described above. After consideration of the evidence and arguments presented, the Board makes the following findings of fact and conclusions.

☐ DENIED. The Board concludes that the standards in the Section(s) of the Zoning Ordinance listed above, which are applicable to the requested special exception(s), have not been met and therefore orders that the special exception(s) be denied.

☒ APPROVED. The Board concludes that the standards in the Section(s) of the Zoning Ordinance listed above, which are applicable to the requested special exception(s), have been met and therefore orders that the special exception(s) be granted, subject to the following conditions, if any:

Date issued: 1/21/20 Chairman

Order on Variance Request

The Board of Zoning Appeals-Zoning held a public hearing to consider an appeal for a variance from the strict application of the Zoning Ordinance for the property described above. After consideration of the evidence and arguments presented, the Board makes the following findings of facts and conclusions.

☐ DENIED. The Board concludes that the requirements for granting a variance have not been met and, therefore, orders that the variance be denied.

☐ APPROVED. The Board concludes that:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property;
2. These conditions do not generally apply to other property in the vicinity;
3. Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and
4. Authorization of the variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.

THE BOARD, THEREFORE, finds that the applicant has an unnecessary hardship and orders that the variance be granted, subject to the following conditions, if any:

Date issued: Chairman

Approvals of the Board shall remain valid for two (2) years from the approval date, unless extended in accordance with the provisions of Section 54-962. Applicants may not apply for the same request that has been denied by the Board until a period of six (6) months has lapsed.

245 Huger Street Hotel

Accommodations Overlay Zone Special Exception Request

December 16, 2019 Submission

January 21, 2020 Meeting

Summary

- 1. ZONING CONFORMANCE** - *The proposed 150 room hotel fulfills all of the 20 requirements of the City of Charleston Accommodations Special Exception Test.*
- 2. GOOD FOR CARS** - *The site is easily accessible from Meeting, Huger and East Bay Streets. The hotel drop-off, pick up and parking are contained entirely on site.*
- 3. REVITALIZATION** - *The hotel will replace an ugly metal warehouse and provide an attractive mixed-use project in an area in need of improvement.*
- 4. AFFORDABLE HOUSING** - *The project will contribute over 400 Thousand Dollars to the City of Charleston Affordable & Workforce Housing Fund.*

BOARD OF ZONING APPEALS — ZONING
 ADDRESS 245 Huger Street
 X APPROVED FOR REBACK
 D DENSITY
 D WITHDRAWN
 X AS SUBMITTED
 D HIGHLIGHT
 D HIGHLIGHT
 D HIGHLIGHT
 D OTHER
 DATE 1/21/20
 ZONING OFF
 150-unit
 accommodations
 200
 *THIS APPROVAL DOES NOT CONSTITUTE A GUARANTEE OF THE FUTURE OF THE PROPERTY.
 *THIS DOES NOT CONSTITUTE A GUARANTEE OF THE FUTURE OF THE PROPERTY.
 *THIS DOES NOT CONSTITUTE A GUARANTEE OF THE FUTURE OF THE PROPERTY.



BZA-Z HOTEL SPECIAL EXCEPTION REQUEST

SUBMISSION DATE: DECEMBER 16, 2019
 MEETING DATE: JANUARY 21, 2020

REQUESTING PERMISSION FOR A 150 ROOM HOTEL AT 245 HUGER STREET.
 THE MIXED-USE DEVELOPMENT IS TO INCLUDE RESTAURANT AND BAR
 SPACE, EVENT AND MEETING SPACE IN ADDITION TO THE 150 GUESTROOMS.
 ALL PARKING IS CONTAINED ON-SITE.

TMS #: 4590103048
 CURRENT OWNER: CHASE FURNITURE COMPANY, INC
 FUTURE OWNER: THE MONTFORD GROUP

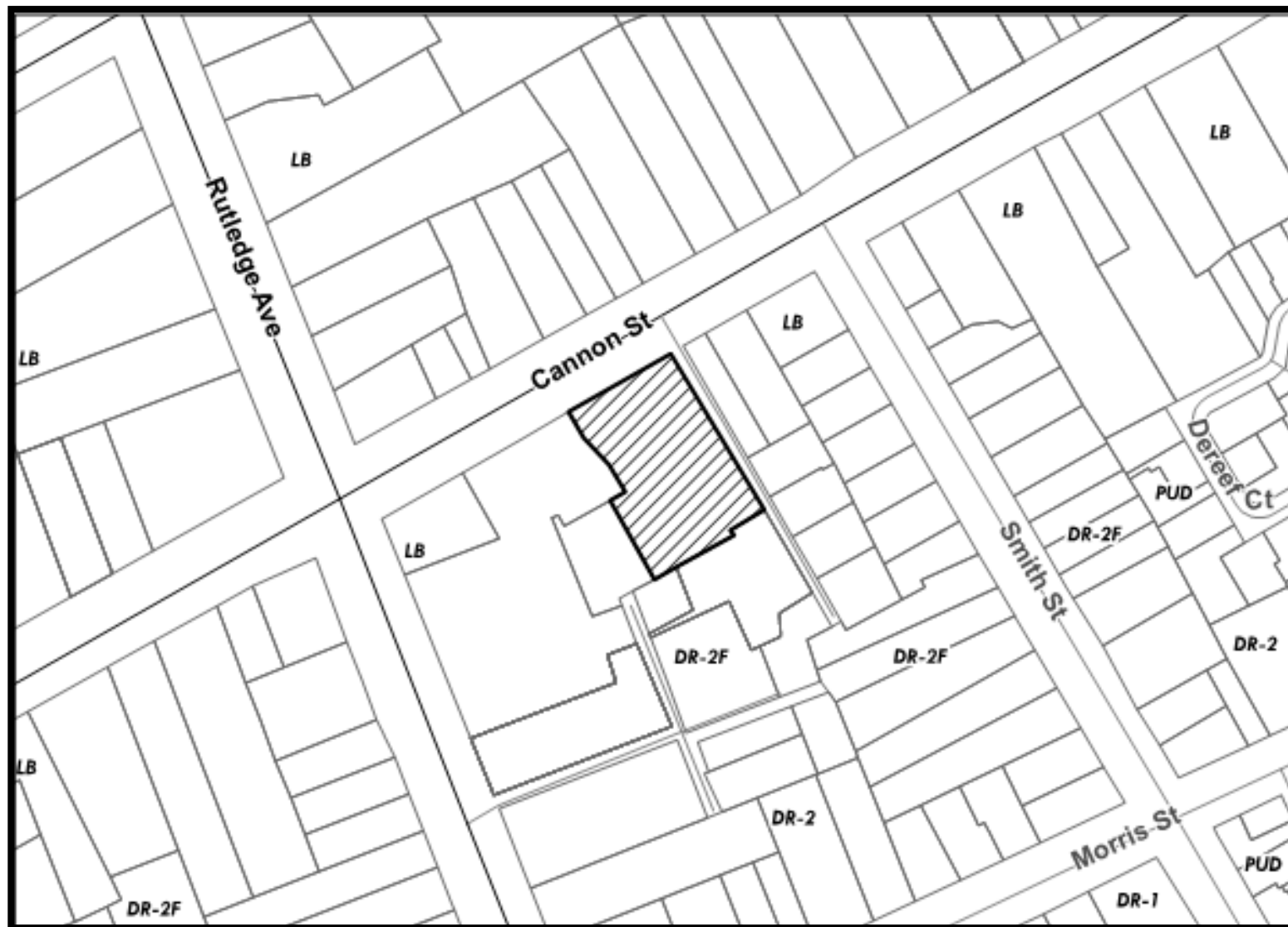
Agenda Item #B-3

89-95 CANNON STREET
(CANNONBOROUGH/ELLIOTBOROUGH)
TMS # 460-15-02-008

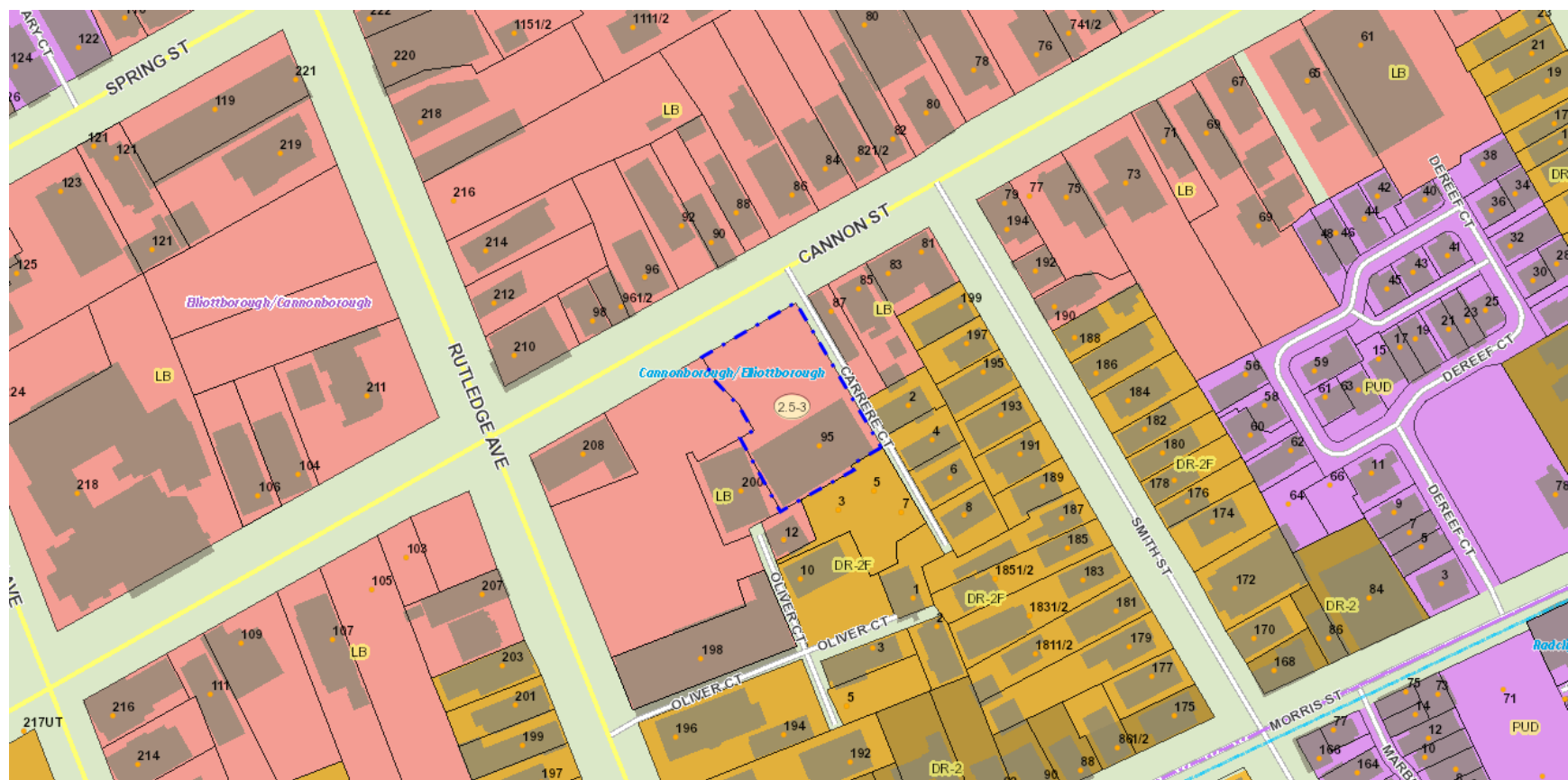
Request variance from Sec. 54-301 to allow construction of a mixed-use building having 4 residential dwelling units with 1,205.5sf of lot area per dwelling unit (2,250sf required).

Request variance from Sec. 54-317 to allow mixed-use building (residential units, retail and restaurant) uses with 3 off-street parking spaces (17 spaces required).

Zoned LB









City of Charleston

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☐ Reconsideration of a decision of the Board or action of a zoning official (attach Appeal form).
☐ Extension of an unexpired Variance and/or Special Exception approval.

MEETING DATE REQUESTED: NOVEMBER 2, 2021

Property Address 89 CANNON, CHARLESTON, SC 29403 **TMS #** 488-15-02-008
(95 CANNON IS MAILING ADDRESS)

Property Owner CURRENT OWNER: 95 CANNON LLC **Daytime Phone** JOSH PAGE - 704-945-7144
FUTURE OWNER: CANNON ROW LLC STEPHEN RAMOS - 240-354-5717

Applicant CANNON ROW LLC (STEPHEN RAMOS) **Daytime Phone** STEPHEN RAMOS - 240-354-5717

Applicant's Mailing Address 95 CANNON STREET, CHARLESTON SC 29403

E-mail Address STEVE@BOGARDBROTHERSREALESTATE.CO

Relationship of applicant to owner (same, representative, prospective buyer, other) OWNER

Zoning of property LB, STR OVERLAY

Information required with application: (check information submitted)

- ☒ Scaled plans or plats, including elevations, showing the variance(s) or special exception(s) being requested (3 sets)
☒ For new construction or additions within a flood zone, show HVAC units and platform on scaled plans
☒ Scaled floor plans with rooms labeled and the total floor area for each dwelling unit noted are required for all density variances and building additions, unless exempted by the Zoning staff (3 sets)
☒ Plans or documents necessary to show compliance with special exception requirements (3 sets)
☐ Check, credit card or cash (make checks payable to the City of Charleston)
☐ YES or ☐ NO - Is this Property restricted by any recorded covenant that is contrary to, conflicts with or prohibits the proposed land use encompassed in this permit application? § 6-29-1145 of the South Carolina Code of Laws

Optional but very helpful information:

- ☒ Photographs
☐ Letters or petitions from neighbors or organizations directly affected by your request

I certify that the information on this application and any attachments is correct, that the proposed improvement(s) comply with private neighborhood covenants, if there are any, and that I am the owner of the subject property or the authorized representative of the owner. I authorize the subject property to be posted with a notice of the Board hearing and inspected.

Applicant Stephen Ramos **Date** 10/3/2021

For office use only		
Date application received	Fee \$	Time application received
Staffperson		Receipt #

For **Variance** requests, applicants should list the specific variance(s) being requested and, if possible, explain how the variance test that follows is met (add as an attachment if necessary):

See attached

Variance Test: The Board of Zoning Appeals-Zoning is authorized to approve a variance from the requirements of the Zoning Ordinance when strict application of the provisions of the ordinance would result in unnecessary hardship. A variance may be granted in an individual case of unnecessary hardship if the Board makes the following findings:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property;
2. These conditions do not generally apply to other property in the vicinity;
3. Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and
4. The authorization of the variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.

In granting a variance, the Board may attach to it such conditions regarding the location, character, or other features of the proposed building, structure, or use as the board may consider advisable to protect established property values in the surrounding area or to promote the public health, safety, or general welfare. (SC Code of Laws § 6-29-800)

For **Special Exception** requests, applicants should list the specific approval(s) being requested and include documentation to demonstrate compliance with the relevant special exception requirements of the Zoning Ordinance, such as § 54-110, § 54-206, or sections in Article 5 (add as an attachment if necessary):

All approvals of the Board shall remain valid for two (2) years from the approval date, unless extended in accordance with the provisions of Article 9, Part 5 of the zoning ordinance. Applicants may not apply for the same request that has been denied by the Board until a period of six (6) months has lapsed.

89 Cannon Variance Test Response

Sec. 54-924. - Requirements for granting a variance.

A variance may be granted in an individual case of unnecessary hardship if the Board makes and explains in writing the following findings:

- a. there are extraordinary and exceptional conditions pertaining to the particular piece of property;
- b. these conditions do not generally apply to other property in the vicinity;
- c. because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and
- d. the authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.

Variance Prong A and B

- a. there are extraordinary and exceptional conditions pertaining to the particular piece of property;**
- b. these conditions do not generally apply to other property in the vicinity;**

Response to variance prongs a and b:

The property at 89 Cannon Street might be the most unique piece of property in the Cannonborough-Elliottborough Neighborhood. Nowhere else will you find a property completely enclosed by a 7'-7" high stucco wall. Nowhere else will you find a corrugated metal office building that was previously an industrial warehouse. It is also very uncommon to find a large asphalt parking lot directly on Cannon Street. These are clearly extraordinary and exceptional conditions that pertain to this particular piece of property and not to other properties in the vicinity. Therefore prongs a and b of the variance test are met.

In addition, there are more unique characteristics to this property. It directly borders Carrere Court which is a unique street. Carrere Court is a 9' wide private gravel right-of-way. The 7'-7" high stucco wall provides a physical barrier that makes for a challenged drive in a car. The site angle at the intersection is borderline un-safe. Because 95 Cannon is at the corner of Cannon Street and Carrere Court, it represents the unique opportunity to be re-developed as a corner building. Although corner buildings are common in this neighborhood, they still represent unique and special conditions.

Unfortunately, many of the unique conditions listed above are of substantial detriment to the adjacent properties and to the public good. The proposed redevelopment seeks to fix these problems.

Variance Prong C

- c. **because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and**

Response to prong c:

As noted above, this particular property could be redeveloped as a proper corner building. The corner buildings of the Cannonborough-Elliottborough Neighborhood represent the true heartbeat of the neighborhood. Often referred to as corner stores, these buildings take many shapes and sizes and include many uses such as coffee shops, pizza shops, fine dining restaurants, boutique clothing stores, veterinarian offices, and of course the proverbial convenience store. It is also most common that these mixed-use buildings have residential units and or short-term rental units on their upper floors.

In all cases, these mixed-use corner buildings have various conditions that do not conform to existing zoning standards. Most of the corner buildings are deficient on parking with many having no parking at all. Most of these corner buildings are built on zero lot line conditions and contain a greater amount of residential units than allowed by zoning. Despite these zoning deficiencies, these corner commercial buildings thrive and provide a positive contribution to the neighborhood.

The amount of parking required for retail and restaurant uses simply cannot be accomplished on site. Providing for large amounts of parking on this property would erode the contributing uses to the neighborhood. This is why parking is almost non-existent in the great corner buildings of the neighborhood.

A study of the existing residential context revealed that 20 out of 22 of the adjacent developments were deficient on the required site area per unit. The average site area per unit in these 22 existing lots was 1,647 sf. The proposed design includes a total of 8 units which would make the site area per unit 1,612 sf.

In summary, the parking and density variances being requested are in line with the consistent urban design pattern of the Cannonborough-Elliottborough neighborhood. Therefore, the application of the ordinance to this particular piece of property would unreasonably restrict this development, which meets the requirements of variance prong c.

Variance Prong D:

- d. the authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.**

Response to prong d:

The proposed plan has been met with great praise from the Cannonborough-Elliottborough neighborhood. The insertion of ground-floor commercial space was a direct ask from nearby residents. It will provide amenities to the existing residents as well as tourists. The additional commercial space will bring more patrons to the neighborhood which will benefit the existing businesses. The additional residential units will help support nearby existing commercial uses. In essence, this development will add to the existing synergy and vibrancy already occurring in the neighborhood.

The reduction in parking and increased density will be consistent with other adjacent developments and with the neighborhood as a whole. Last but not least, this development will have an overwhelmingly positive impact on Carrere Court. The width of the alley will be widened. The site clearance at the intersection will be greatly improved helping mitigate which is currently an unsafe condition. The replacement of a blank wall with attractive homes fronting on Carrere Court will also improve aesthetics of the alley.

It should also be noted that there will be adequate parking to support all of the residential units. It is only the commercial spaces that will not be parked on site.

The development will bring positive change to the adjacent properties on Carrere Court and Cannon Street. This development will contribute to the public good, and to the existing vibrant character of the Cannonborough-Elliottborough Neighborhood. Therefore prong d is met.

For all of the reasons stated above, the 4 prong variance test has been met.



CANNON ROW

89 CANNON STREET

BZA-Z Variance Request

Submission Date: October 4, 2021
Meeting Date: November 2, 2021
Project Name: Cannon Row
Project Address: 89 Cannon Street (95 Cannon is mailing address)
TMS: 465-15-02-008
Current Owner: 95 Cannon LLC
Future Owner: Cannon Row LLC
Applicant: Cannon Row LLC

Project Summary

The existing 0.3 acre site at 89 Cannon Street will be redeveloped into a mixed-use development. The existing metal building and site wall were approved for demolition at the BAR-L meeting on October 13, 2021. The redeveloped site will be subdivided into 5 individual parcels. Parcel A will front Cannon Street and be developed as a 3-story mixed-use building that includes retail, restaurant and short-term rental apartment units. Parcels B, C, D and E will each be rowhomes. The 2 variances being requested for parking and density are specific to the development of Parcel A. Parcels B, C, D and E do not require any variances.

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Variance Request #1 - Density

A variance request is being made to allow for 4 residential units on the new Parcel A. The new Parcel A will be 4,822sf which would only allow for 2 units based on the LB zoning. Therefore a variance for 2 additional units is being requested.

Variance Request #2 - Parking

A variance request is being made for 14 parking spaces for Parcel A. 17 parking spaces are required for the proposed uses. 3 parking spaces have been provided therefore a variance for 14 parking spaces is being requested.

BZA-Z VARIANCE
REQUEST

OCTOBER 4, 2021

 A000B

COVER SHEET BZA-Z



SITE NOTES

1. SITE - 12,896 SF, 0.3 ACRE
2. EXISTING METAL WAREHOUSE OFFICE BUILDING TO BE REMOVED. APPROVED BY BAR-L AT THE OCTOBER 13, 2021 MEETING.
3. EXISTING SITE WALL TO REMOVED. APPROVED BY BAR-L AT THE OCTOBER 13, 2021 MEETING.

CANNON ROW

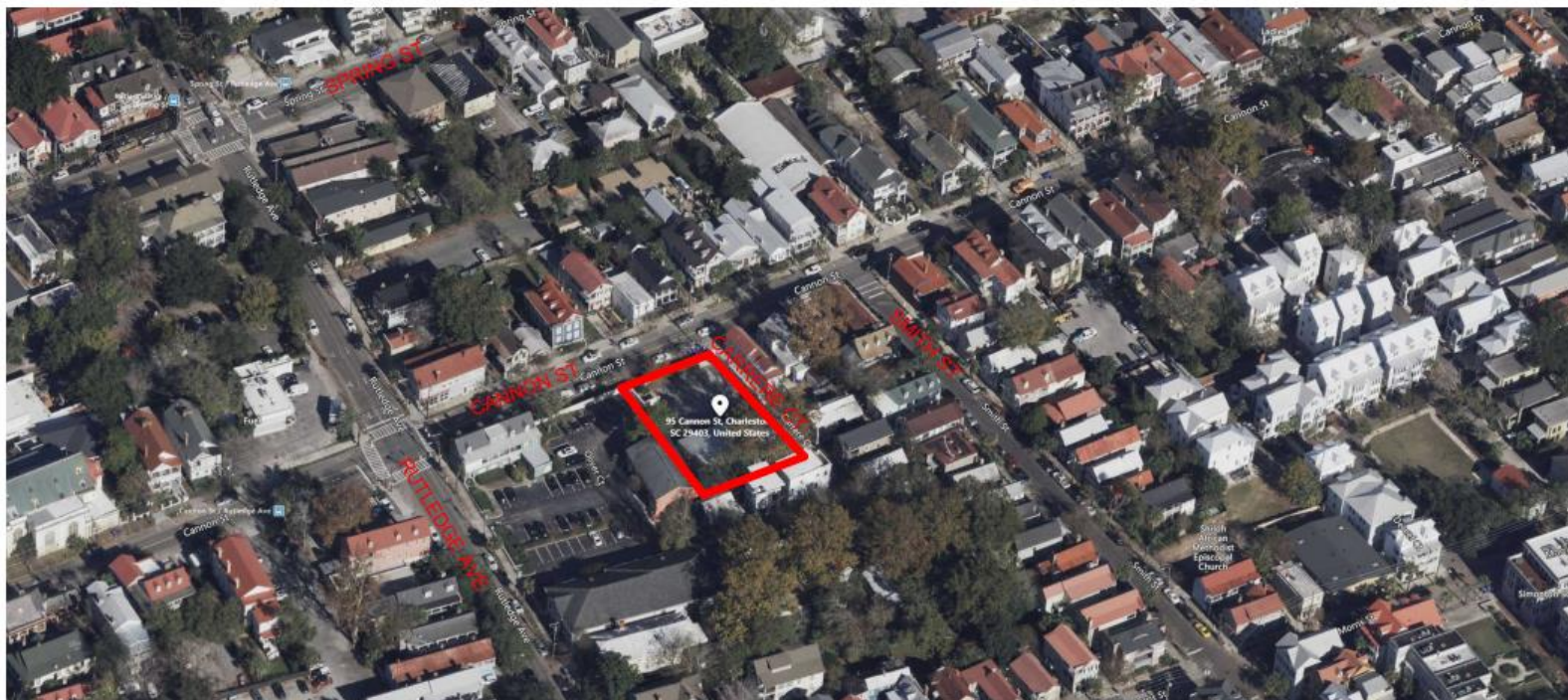
89 CANNON STREET

BZA-Z VARIANCE
REQUEST

OCTOBER 4, 2021

A001

AERIAL SITE



① BIRD'S EYE VIEW
12" = 1'-0"

CANNON ROW

89 CANNON STREET

BZA-Z VARIANCE
REQUEST

OCTOBER 4, 2021

A002

BIRD'S EYE VIEW



PHOTO 1 - VIEW OF WALL AND BUILDING FROM CANNON STREET

CANNON ROW

89 CANNON STREET

**BZA-Z VARIANCE
REQUEST**

OCTOBER 4, 2021

A002B

**CANNON STREET
PHOTO**



PHOTO 2 - VIEW LOOKING SOUTH ON CARRERE COURT



PHOTO 2 - VIEW LOOKING NORTH ON CARRERE COURT



PHOTO 3 - VIEW LOOKING SOUTH ON CARRERE COURT



PHOTO 4 - VIEW LOOKING NORTH ON CARRERE COURT

CANNON ROW

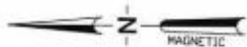
89 CANNON STREET

BZA-Z VARIANCE
REQUEST

OCTOBER 4, 2021

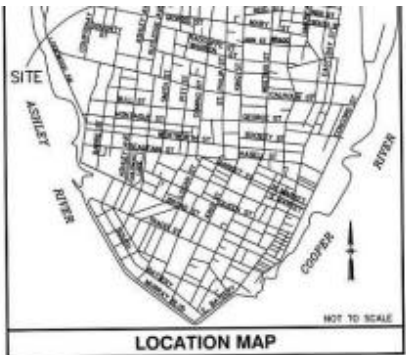
 A002C

CARRERE COURT
PHOTOS



BLUE DASHED LINE INDICATES EXTENT OF EXISTING STUCCO WALL TO BE DEMOLISHED

EXISTING PRE-ENGINEERED METAL BUILDING TO BE DEMOLISHED



LOCATION MAP

NOTES AND REFERENCES

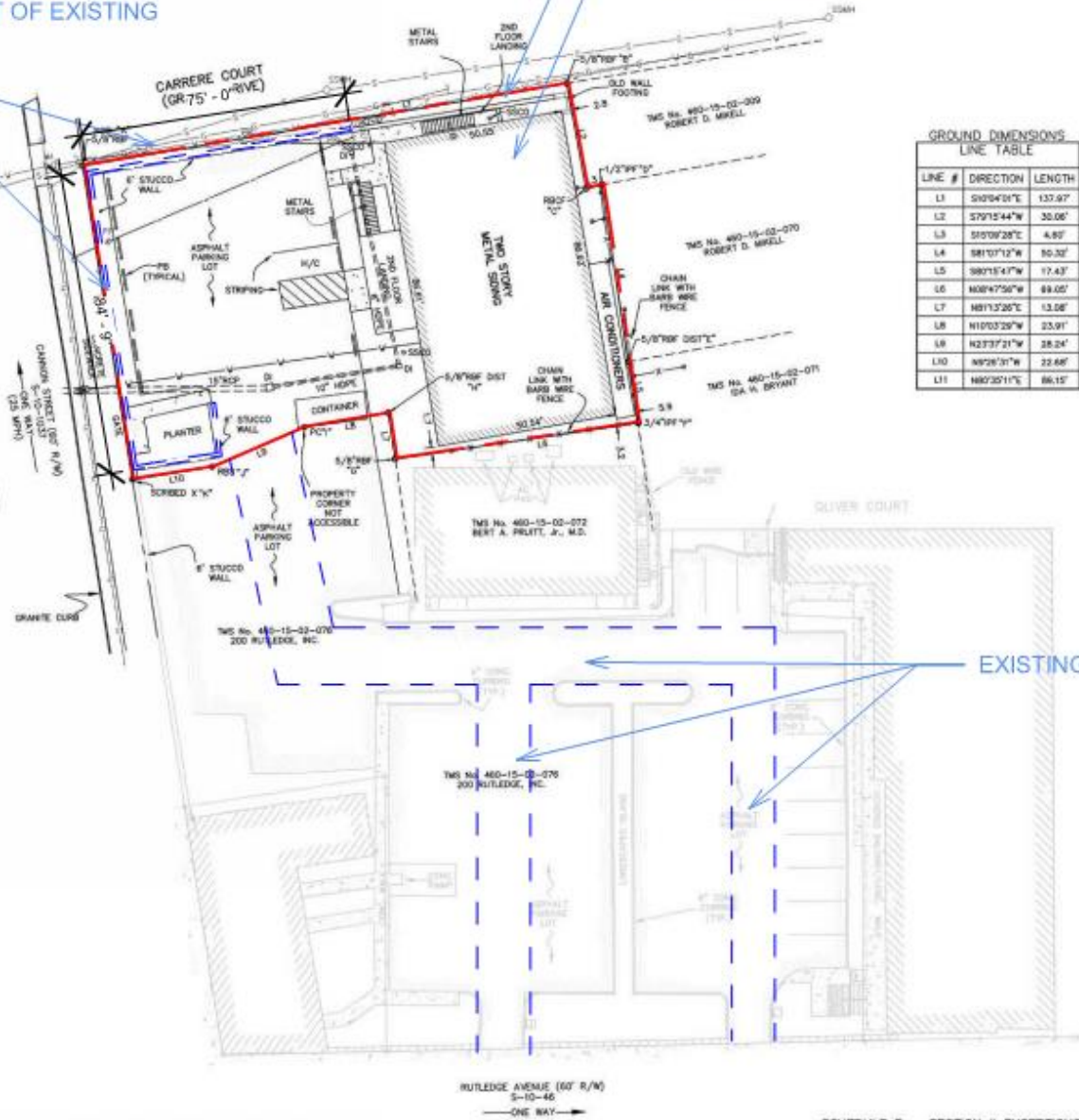
- 1.) TMS No. 460-15-02-008 (56 CANNON STREET), PROPERTY IS OWNED BY "THE NEW OFFICE, LLC." 2.000 ACRES SURVEYED AT THIS TIME.
- 2.) ACCORDING TO F.E.M.A. FLOOD INSURANCE RATE MAP INDEX 405412 0009-0035, DATED NOVEMBER 4, 1992, AND MAP 405412 0022 D, DATED NOVEMBER 5, 1995, THE PROPERTY LIES IN ZONE A7 (ELEV. 13).
- 3.) REFERENCE A PLAT BY JOHN M. GANDERFIELD DATED JUNE 4, 2003 REVISED OCTOBER 14, 2003 AND RECORDED IN THE CHARLESTON COUNTY REC. OFFICE IN BOOK 43 PAGE 489 AND ALL PLATS AND DEEDS LISTED THEREIN.
- 4.) REFERENCE A DEED TITLED "AMENDED AND RE-STATE DECLARATION OF EASEMENTS, COVENANTS, AND RESTRICTIONS" BY HAYNORWORTH SHANKS REAL ESTATE, P.A., AND RECORDED IN THE CHARLESTON COUNTY REC. OFFICE IN BOOK 8 493 PAGE 427.
- 5.) THE PROPERTY OWNERS LISTED ON THIS SURVEY ARE TAKEN FROM THE CHARLESTON COUNTY TAX RECORDS AS THEY ARE SHOWN AT THIS TIME.
- 6.) THIS NOTE ADDRESSES NUMBER 16 & 17 ON THE TABLE A. THERE WAS NO VISIBLE EVIDENCE OF RECENT EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS OBSERVED IN THE PROCESS OF CONDUCTING THE FIELDWORK. THERE WERE NO PROPOSED CHANGES IN THE STREET RIGHT OF WAY FOUND AT THIS TIME OR ANY EVIDENCE OF RECENT STREET OR SIDEWALK CONSTRUCTION OBSERVED IN THE PROCESS OF CONDUCTING THE FIELDWORK.

LEGAL DESCRIPTION

ALL THAT PIECE, PARCEL OR LOT OF LAND LYING AND BEING IN THE CITY OF CHARLESTON, CHARLESTON COUNTY, SOUTH CAROLINA, BEING LOCATED 164.88' EAST FROM THE SOUTH EAST RIGHT OF WAY OF RUTLEDGE AVE. (S-10-048) AND CANNON ST. (S-10-1037) LOCATED ON THE SOUTH SIDE OF CANNON ST.

BEING MORE FULLY DESCRIBED ON AN ALTA/NDPS LAND TITLE SURVEY BY TIMOTHY W. MAULL DATED APRIL 11, 2017 AND HAVING THE FOLLOWING METES AND BOUNDS TO WIT:

BEGINNING AT A 5/8" REBAR FOUND "A" LABELED FOR AND THENCE RUNNING S104°01'E FOR A DISTANCE OF 137.97' ALONG THE SOUTH SIDE OF CARRERE COURT (A DRIVE) DRIVE TO A 5/8" REBAR FOUND "B", THENCE TURNING AND HEADING S70°15'44"W FOR A DISTANCE OF 30.06' TO A REBAR AND CAP FOUND "C", THENCE TURNING AND HEADING S15°09'28"E FOR A DISTANCE OF 4.87' TO A 1/2" IRON PIPE FOUND "D", THENCE TURNING AND HEADING S81°07'12"E FOR A DISTANCE OF 50.32' TO A 5/8" REBAR FOUND DISTURBED "E", THENCE TURNING AND HEADING S90°15'47"W FOR A DISTANCE OF 17.43' TO A 3/4" IRON PIPE FOUND "F", THENCE TURNING AND HEADING N08°47'56"W FOR A DISTANCE OF 69.05' TO A 5/8" REBAR FOUND "G", THENCE TURNING AND HEADING S81°13'25"E FOR A DISTANCE OF 13.08' TO A 5/8" REBAR FOUND DISTURBED "H", THENCE TURNING AND HEADING N10°03'29"W FOR A DISTANCE OF 23.91' TO A POINT COMPUTED "I", THENCE TURNING AND HEADING N23°37'21"W FOR A DISTANCE OF 28.24' TO A 5/8" REBAR SET "J", THENCE TURNING AND HEADING N89°28'31"W FOR A DISTANCE OF 22.66' TO A SORBED X IN THE SIDEWALK "K", THENCE TURNING AND HEADING N80°30'11"E FOR A DISTANCE OF 86.15' TO THE POINT OF BEGINNING AND CONTAINING 0.298 ACRES.



GROUND DIMENSIONS			RECORDED PLAT		
LINE #	DIRECTION	LENGTH	LINE #	DIRECTION	LENGTH
L1	S10°04'01"E	137.97	L1	S10°00'34"E	138.00'
L2	S70°15'44"W	30.06'	L2	S70°02'36"W	30.06'
L3	S15°09'28"E	4.87'	L3	S15°29'51"E	4.92'
L4	S81°07'12"W	50.32'	L4	S81°57'33"W	50.32'
L5	S80°15'47"W	17.43'	L5	S81°57'33"W	17.38'
L6	N08°47'56"W	69.05'	L6	N08°52'54"W	68.64'
L7	N81°13'25"E	13.08'	L7	S81°05'28"W	13.03'
L8	N10°03'29"W	23.91'	L8	S09°40'23"E	23.91'
L9	N23°37'21"W	28.24'	L9	S23°37'21"E	28.24'
L10	N89°28'31"W	22.66'	L10	S08°28'31"E	22.71'
L11	N80°30'11"E	86.15'	L11	N80°33'29"E	86.23'

LEGEND:

- PT - POWER POLE
- OW - OUT WIRE
- RSF - REBAR FOUND
- RP - IRON PIPE FOUND
- RBS - 5/8" REBAR SET
- RBSF - REBAR AND CAP FOUND
- PC - COMPUTED PROPERTY CORNER
- DIS - DISTURBED
- PS - PARKING BUMPER
- SSM - SANITARY SEWER MANHOLE
- SSCO - SANITARY SEWER CLEANOUT
- WM - WATER METER
- WD - WATER VALVE
- W - EXISTING WATER LINE
- S - EXISTING SANITARY SEWER LINE
- G - EXISTING NATURAL GAS LINE
- P - PROPERTY LINE
- AD - ADJACENT PROPERTY LINE
- RL - RIGHT OF WAY LINE
- C - CONCRETE



The South Carolina STATE LAW requires that excavators give a 72-hour notice, (3 working days excluding weekends and holidays), for the locations to get out to mark the area. After a ticket has been processed, you will know when you are legally free to proceed with the digging work and which utilities are shown. The P.U.P.S. will be waiting for you. Any utilities that P.U.P.S. does not notify, you will be responsible for notifying directly. The utility Companies ask that you leave a 2 1/2 feet margin on each side of a marked utility line. Also note that your request is good for 15 working days after it has been processed by our system.

NOTICE: CONSIDERABLE EFFORT HAS BEEN MADE TO DETERMINE THE LOCATION OF UNDERGROUND UTILITIES. SOME LOCATIONS ARE ACTUAL FIELD MEASUREMENTS AND SOME ARE TAKEN FROM UTILITY RECORDS. THIS PLAN DOES NOT WARRANT THAT UTILITIES ARE SHOWN ACCURATELY NOR THAT ALL UTILITIES ARE SHOWN. THE CONTRACTOR SHALL BE RESPONSIBLE FOR DETERMINING THE EXACT LOCATION OF ALL UTILITIES PRIOR TO BEGINNING DIGGING OPERATIONS. CALL PUBLIC UTILITIES PROTECTION SERVICE AT 1-800-721-7877 A MINIMUM OF 3 WORKING DAYS BEFORE DIGGING. ANY UTILITIES DAMAGED OR DISTURBED DURING CONSTRUCTION SHALL BE RESTORED TO THEIR ORIGINAL CONDITION AT THE CONTRACTOR'S EXPENSE. ADDITIONALLY, THE CONTRACTOR SHALL CONFIRM THE CONNECTION POINTS OF NEW UTILITIES TO EXISTING UTILITIES PRIOR TO BEGINNING NEW CONSTRUCTION.

CANNONBOROUGH-ELLIOTBOROUGH NEIGHBORHOOD



THE TINY TASSEL BOUTIQUE RETAIL SHOP



BROWN'S COURT BAKERY AND COFFEE SHOP



CHUBBY FISH RESTAURANT

CANNON ROW

89 CANNON STREET

BZA-Z VARIANCE
REQUEST

OCTOBER 4, 2021

A003

NEIGHBORHOOD
CHARACTER 1

CANNONBOROUGH-ELLIOTBOROUGH NEIGHBORHOOD



WILD COMMON EVENT SPACE - SPRING STREET



WILD COMMON EVENT SPACE - SPRING STREET



GUILDED HORN BAR



ELLIOTBOROUGH MINI BAR



CHASING SAGE RESTAURANT

CANNON ROW

89 CANNON STREET

BZA-Z VARIANCE
REQUEST

OCTOBER 4, 2021

 A004

NEIGHBORHOOD
CHARACTER 2



CANNON ROW

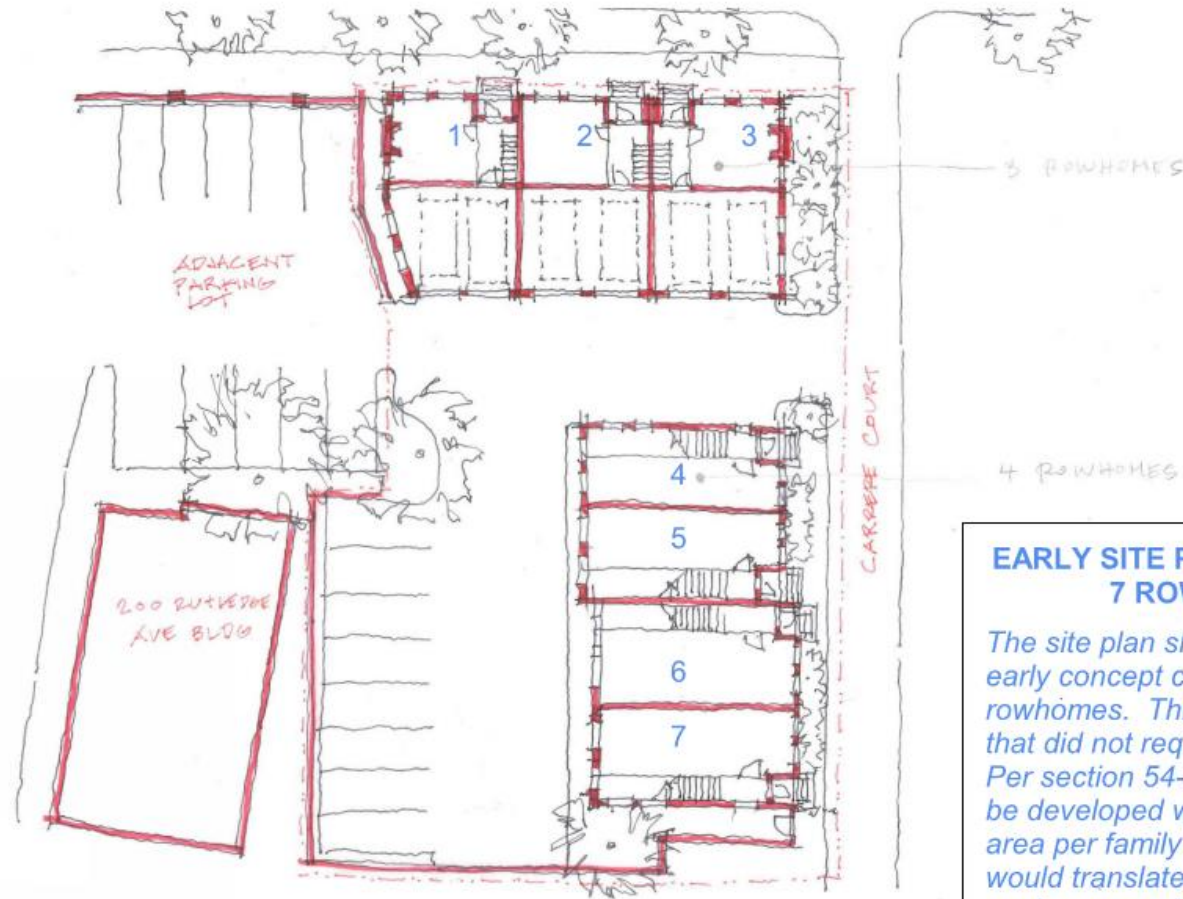
89 CANNON STREET

BZA-Z VARIANCE
REQUEST

OCTOBER 4, 2021

A005

CENA CORNER
BUILDINGS



EARLY SITE PLAN SKETCH OF 7 ROWHOMES

The site plan shown represents an early concept comprised of 7 rowhomes. This is a by-right design that did not require any variances. Per section 54-353 rowhomes can be developed with a minimum lot area per family of 1,500sf. This would translate to 8 potential rowhomes on this site. This scheme was abandoned for the mixed-use scheme of which this variance request pertains. It is being shown for reference purposes only.

CANNON ROW

89 CANNON STREET

BZA-Z VARIANCE
REQUEST

OCTOBER 4, 2021

A010

ROWHOME SITE
PLAN



CANNON ROW

89 CANNON STREET

BZA-Z VARIANCE
REQUEST

OCTOBER 4, 2021

_A011

PERSPECTIVE SKETCH
OF 3 ROWHOMES AT
CANNON STREET



EARLY SITE PLAN SKETCH OF MIXED-USE SCHEME

After talks with the neighborhood, it became evident that a mixed-use development was preferred with commercial space on Cannon Street. The site plan sketch represents a mixed-use scheme. A mixed-use building on Cannon Street would have commercial space on the ground floor with 4 apartments on floors 2 and 3. There would be 4 rowhomes on Carrere Court. This scheme would require both a density variance and parking variance. This sketch represents the concept of which this variance request is based.

CANNON ROW

89 CANNON STREET

BZA-Z VARIANCE
REQUEST

OCTOBER 4, 2021

A012

MIXED-USE SITE
PLAN



CANNON ROW

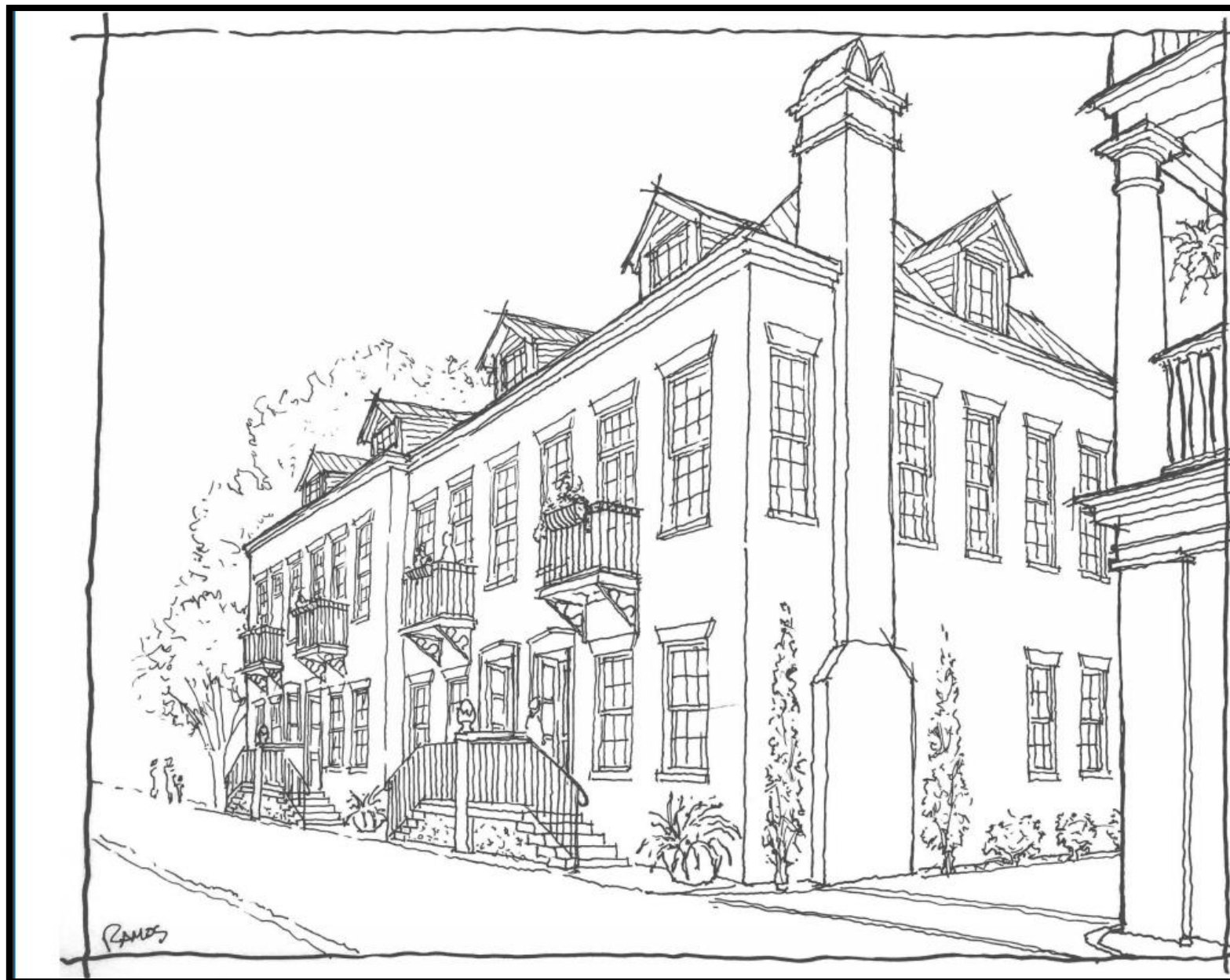
89 CANNON STREET

BZA-Z VARIANCE
REQUEST

OCTOBER 4, 2021

A013

PERSPECTIVE SKETCH
OF MIXED-USE
BUILDING AT
CANNON STREET



CANNON ROW

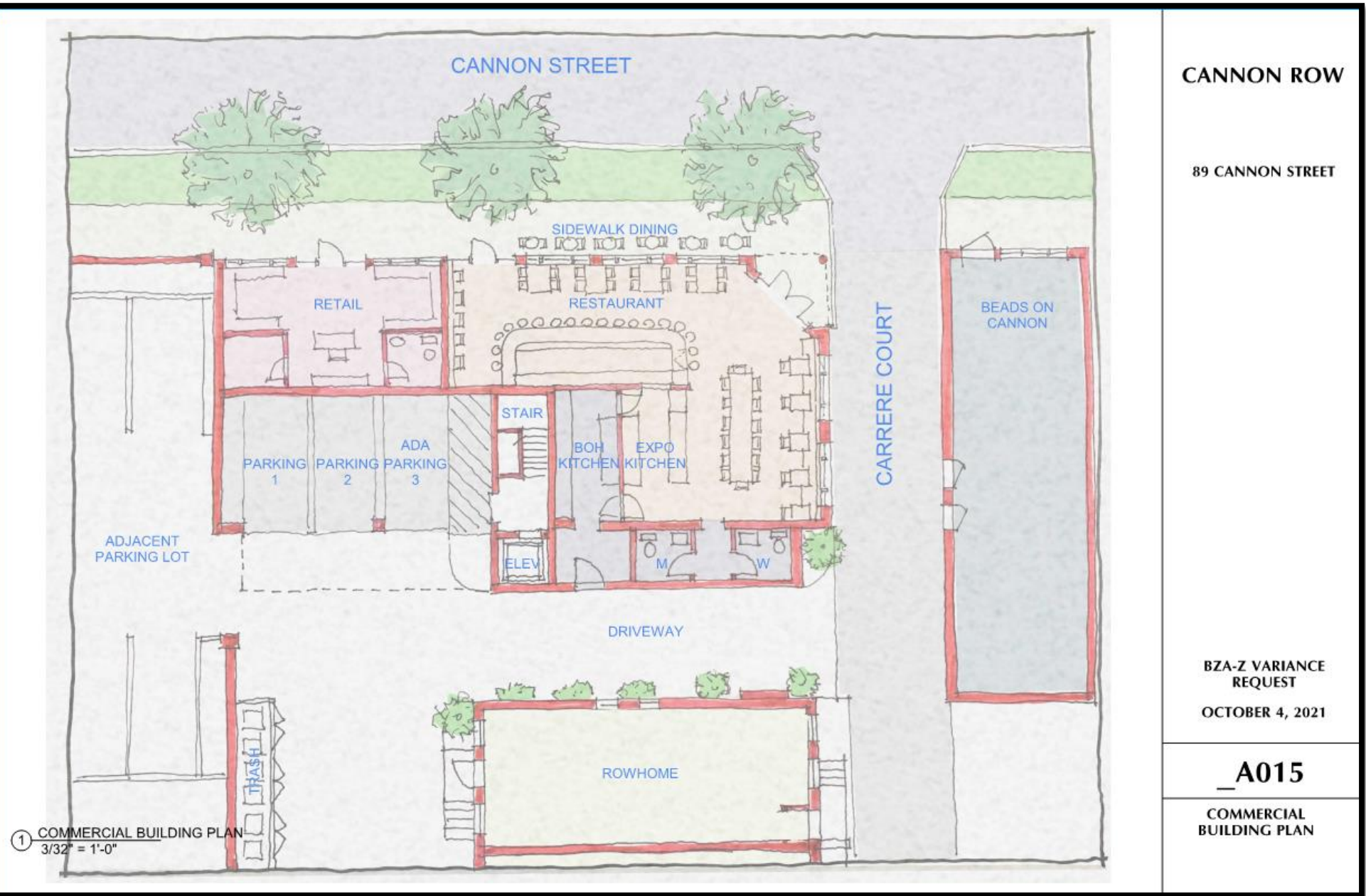
89 CANNON STREET

BZA-Z VARIANCE
REQUEST

OCTOBER 4, 2021

 A014

PERSPECTIVE SKETCH
OF 4 ROWHOMES
ON CARRERE COURT





SITE SUMMARY & SUBDIVISION NOTES

SITE	AREA	BLDG FOOTPRINT	AS DESIGNED LOT COVERAGE
SITE A	4,522 SF	3,530 SF	78%
SITE B	1,899 SF	825 SF	44%
SITE C	1,730 SF	810 SF	47%
SITE D	1,738 SF	810 SF	47%
SITE E	2,709 SF	825 SF	31%
TOTAL	12,898	6,800	53%

- THE EXISTING PARCEL IS TO BE SUBDIVIDED AS SHOWN ABOVE. THE 4 ROWHOME LOTS WILL FRONT ON CARRERE COURT AND A MIXED-USE BUILDING A WILL FRONT CANNON STREET.
- MINIMUM LOT SIZE FOR SINGLE-FAMILY ATTACHED UNITS IS 1,500 SF AND 18' WIDE. THE SMALLEST LOT IS 1,700SF AND 18' WIDE.

SETBACK NOTES

- ZERO SETBACKS REQUIRED FOR BUILDING A AS IT IS LB COMMERCIAL.
- BUILDINGS B, C, D AND E HAVE THE FOLLOWING SETBACK REQUIREMENTS AS A SINGLE-FAMILY ATTACHED UNIT: EAST SETBACK AT CARRERE COURT - 0, SIDE SETBACK AT THE SOUTH AND NORTH 6', REAR SETBACK AT THE WEST 25'.

HEIGHT NOTES

- THE BUILDINGS ARE IN THE 2.5-3 STORY HEIGHT DISTRICT.
- BUILDING A WILL BE ALLOWED 3 STORIES BASED ON THE CANNON STREET FRONTAGE.
- BUILDINGS B, C, D AND E WILL BE LIMITED TO 2.5 STORIES BASED ON THE CARRERE COURT FRONTAGE.

CANNON ROW

89 CANNON STREET

BZA-Z VARIANCE REQUEST

OCTOBER 4, 2021

A100

SITE PLAN

1 SITE PLAN - MIXED-USE SCHEME 1" = 40'-0"

PARKING SUMMARY

BLDG A

3 STORIES - MIXED USE - RESI OVER COMMERCIAL

USE	BUILDING AREA	PARKING REQ'D	PARKING PROVIDED
GROUND FL RETAIL	552 SF GROSS AREA	1.38	0
GROUND FL RESTAURANT	1,767 SF GROSS, 871 PATRON AREA	8.7	0
4 RESIDENTIAL UNITS	5,612 SF	6	4
TOTAL		17	3

BLDG B, C, D, E

(4) 2 1/2 STORY ROWHOMES

USE	BUILDING AREA	PARKING REQ'D	PARKING PROVIDED
BLDG B -1 RESIDENTIAL UNIT	2,095 SF GROSS AREA	2	2
BLDG C -1 RESIDENTIAL UNIT	2,055 SF GROSS AREA	2	2
BLDG D -1 RESIDENTIAL UNIT	2,055 SF GROSS AREA	2	2
BLDG E -1 RESIDENTIAL UNIT	2,095 SF GROSS AREA	2	2
TOTAL	8,300 SF GROSS AREA	8	8



① MIXED-USE - 2ND FLOOR PLAN
1" = 20'-0"

CANNON ROW

89 CANNON STREET

BZA-Z VARIANCE
REQUEST

OCTOBER 4, 2021

A102

2ND FLOOR PLAN

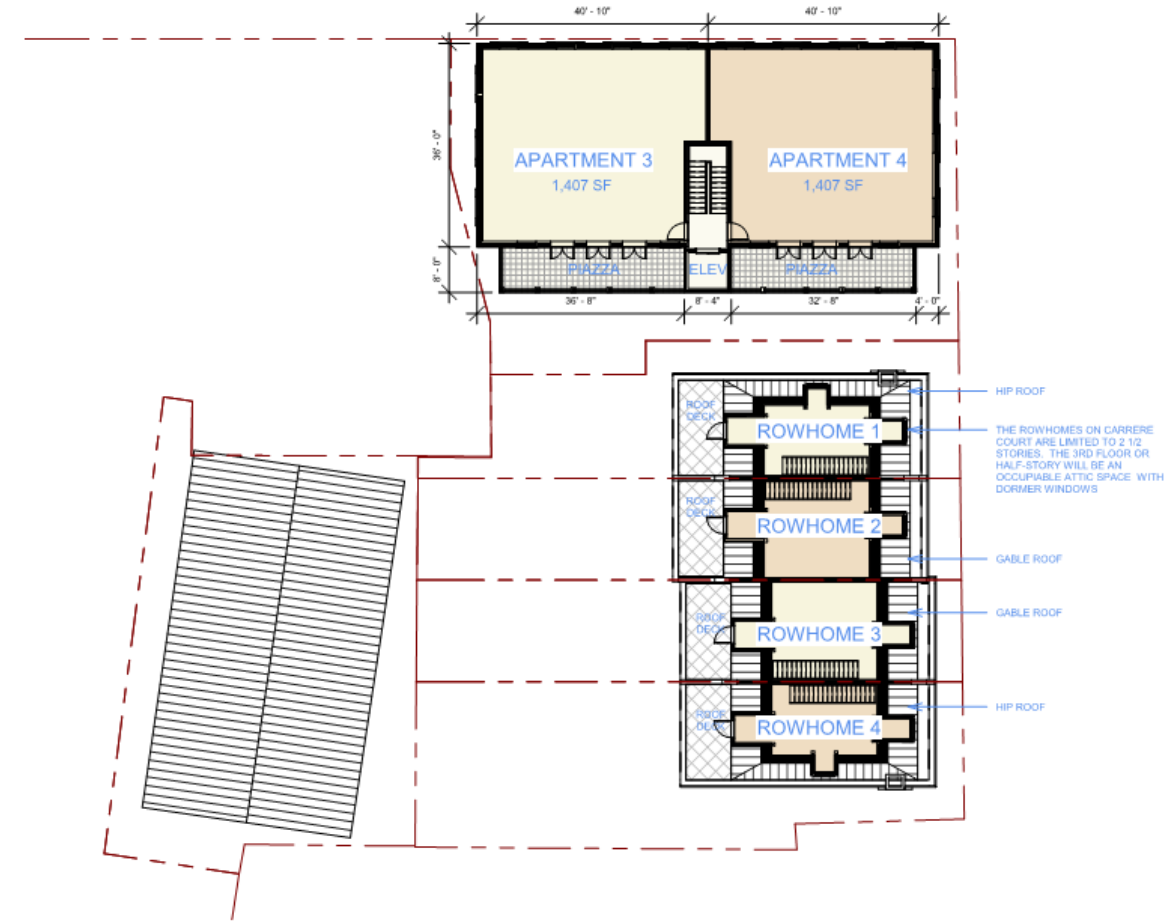
CANNON ROW

89 CANNON STREET

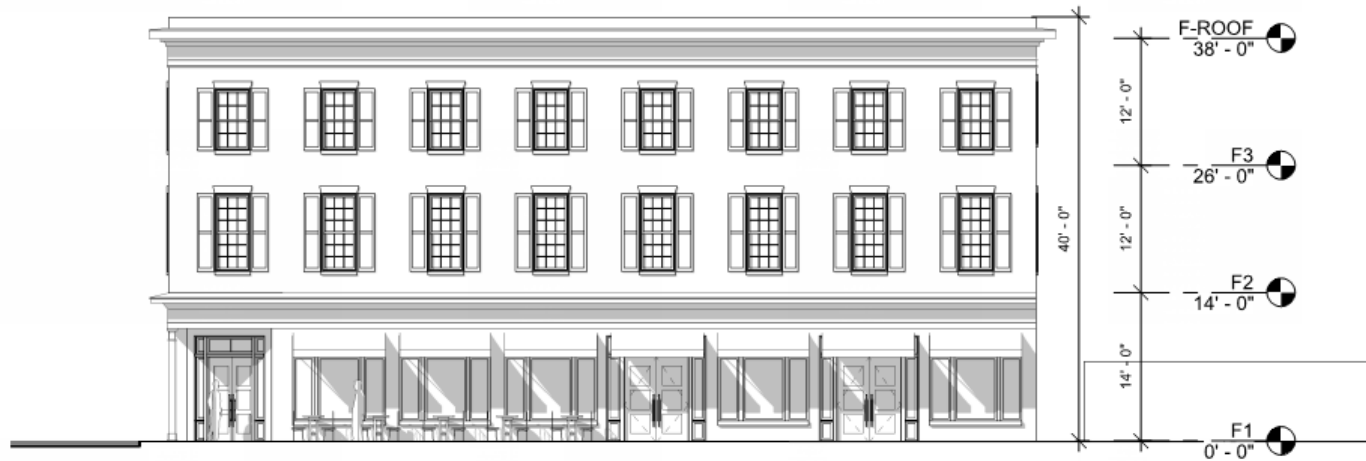
BZA-Z VARIANCE
REQUEST
OCTOBER 4, 2021

 A103

3RD FLOOR PLAN



① MIXED-USE - 3RD FLOOR PLAN
1" = 20'-0"



① CANNON STREET ELEVATION - BZAZ
3/32" = 1'-0"

Elevation Notes

1. The elevation shown represents the conceptual design intent for the building.
2. The design will be further refined and submitted to the BAR at a future date.
3. The Cannonborough-Elliottborough Neighborhood has been very supportive of the design intent.
4. This property is in the 2.5-3 story height district. Since the R.O.W. at Cannon Street is greater than 50', 3-story buildings are permitted.
5. Zero setbacks are required for LB Commercial.
6. The building is in a flood zone therefore flood-proofing will be provided at the ground level.
7. Mechanical units will be placed on the roof of the building.



CANNON ROW

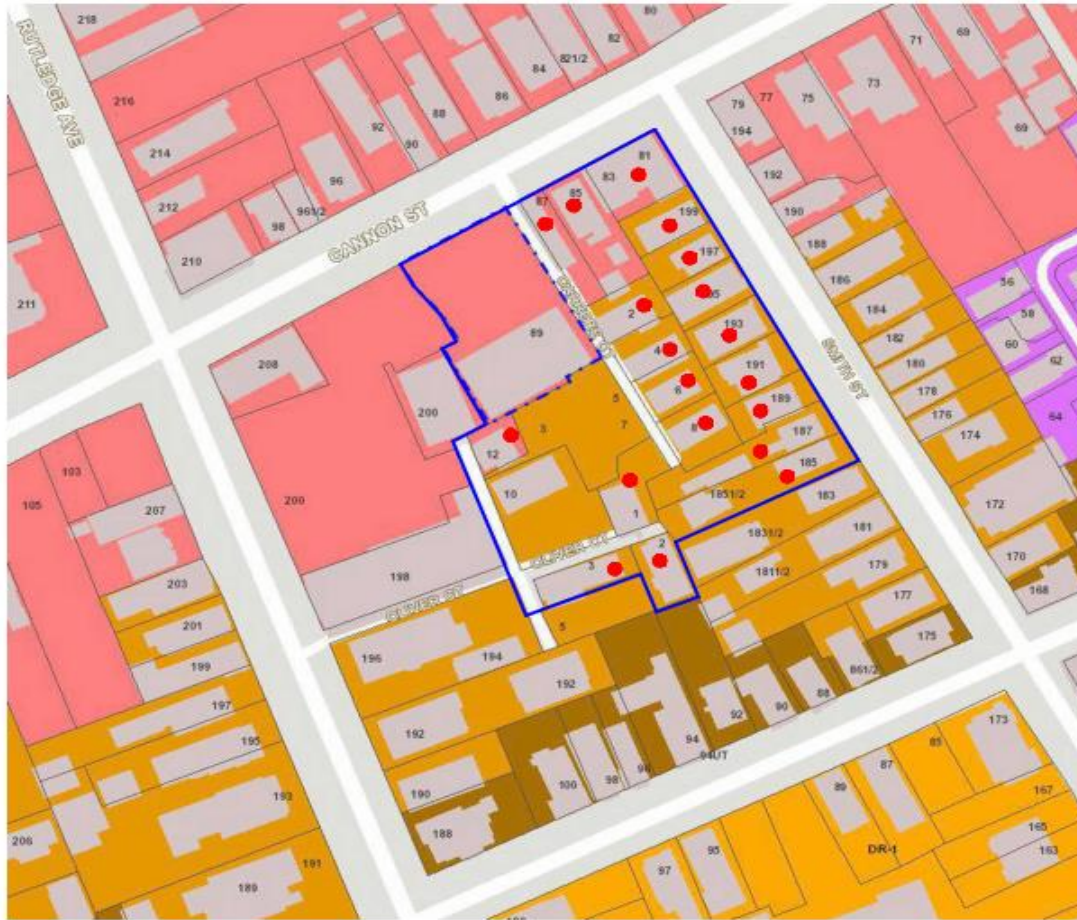
89 CANNON STREET

BZA-Z VARIANCE
REQUEST

OCTOBER 4, 2021

 A105

CANNON STREET
ELEVATION



① ZONING MAP 1
1" = 100'-0"

A density study was conducted of properties within the immediate vicinity that contained residential units. The scope of the study is bounded by a blue line. Properties marked with a ● exceed the allowed density prescribed in the zoning ordinance. Of the 22 properties surveyed, 20 did not meet the minimum lot area requirements per unit. The average lot area per unit was 1,647 sf per unit.

ADDRESS	EXISTING CONDITIONS					ZONING			
	UNIT COUNT	ACRE	LOT AREA	LOT AREA PER UNIT	UNITS PER ACRE	ZONING	MIN LOT AREA SINGLE FAMILY	MIN LOT AREA 2-FAMILY	MIN LOT AREA MULTI-FAMILY
87 CANNON	1	0.04	1742.4	1742.4	25 LB		4000	3000	2250
85 CANNON	1	0.08	3484.8	3484.8	13 LB		4000	3000	2250
83 & 81 CANNON	2	0.09	3920.4	1960.2	22 LB		4000	3000	2250
79 CANNON	1	0.04	1742.4	1742.4	25 LB		4000	3000	2250
2 CARRERE COURT	2	0.04	1925	962.5	45 DR-2F		2500	2000	1650
3,5,7 CARRERE COURT	3	0.13	5741	1913.7	23 DR-2F		2500	2000	1650
4 CARRERE COURT	1	0.04	1854	1854.0	23 DR-2F		2500	2000	1650
6 CARRERE COURT	1	0.04	1916	1916.0	23 DR-2F		2500	2000	1650
8 CARRERE COURT	1	0.05	2214	2214.0	20 DR-2F		2500	2000	1650
1 OLIVER COURT	1	0.05	2312	2312.0	19 DR-2F		2500	2000	1650
2 OLIVER COURT	2	0.04	1798	899.0	48 DR-2F		2500	2000	1650
3 OLIVER COURT	2	0.04	1823	911.5	48 DR-2F		2500	2000	1650
10 OLIVER COURT	2	0.13	5748	2874.0	15 DR-2F		2500	2000	1650
12 OLIVER COURT	1	0.03	1281	1281.0	34 LB		4000	3000	2250
185 SMITH	4	0.09	4110	1027.5	42 DR-2F		2500	2000	1650
187 SMITH	2	0.08	3675	1837.5	24 DR-2F		2500	2000	1650
189 SMITH	1	0.04	1922	1922.0	23 DR-2F		2500	2000	1650
191 SMITH	1	0.05	2312	2312.0	19 DR-2F		2500	2000	1650
193 SMITH	2	0.05	2124	1062.0	41 DR-2F		2500	2000	1650
195 SMITH	2	0.05	2104	1052.0	41 DR-2F		2500	2000	1650
197 SMITH	1	0.04	1950	1950.0	22 DR-2F		2500	2000	1650
199 SMITH	1	0.04	1943	1943.0	22 DR-2F		2500	2000	1650
TOTAL	35	1.32	57642	1646.9	26				

CANNON ROW

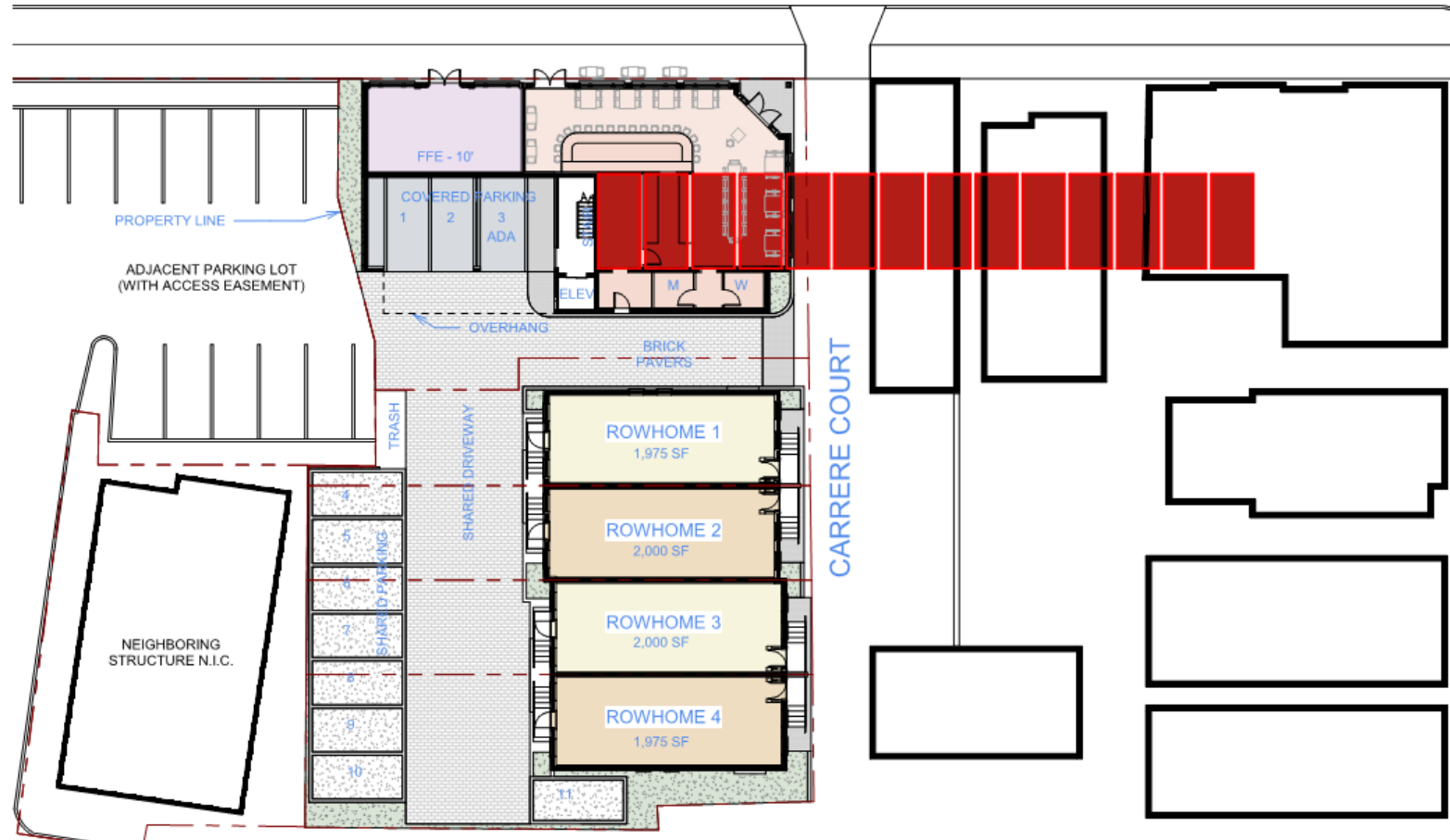
89 CANNON STREET

BZA-Z VARIANCE
REQUEST

OCTOBER 4, 2021

A110

DENSITY STUDY



① PARKING STUDY 1
1" = 20'-0"

PARKING STUDY

The diagram above illustrates 14 additional parking spaces in red. The intent of the illustration is to exhibit the challenge of meeting the parking requirements for mixed-use developments.

CANNON ROW

89 CANNON STREET

BZA-Z VARIANCE
REQUEST

OCTOBER 4, 2021

A111

PARKING STUDY

CANNONBOROUGH-ELLIOTBOROUGH NEIGHBORHOOD



81 SMITH STREET



114 SPRING ST AND 225 RUTLEDGE



CHUBBY FISH RESTAURANT

THE IMPORTANCE OF THE CORNER BUILDING

Mixed-use corner buildings are one of the defining characteristics of the Cannonborough-Elliottborough Neighborhood. These developments help make the neighborhood livable and vibrant. These corner developments are typically the most dense buildings in the neighborhood and often have little to no parking.

CANNON ROW

89 CANNON STREET

BZA-Z VARIANCE
REQUEST

OCTOBER 4, 2021

A112

MIXED-USE
BUILDING EXAMPLES

CANNON ROW

89 CANNON STREET



BEFORE



AFTER

Variance Request #1 - Density

A variance request is being made to allow for 4 residential units on the new Parcel A. The new Parcel A will be 4,822sf which would only allow for 2 units based on the LB zoning. Therefore a variance for 2 additional units is being requested.

Variance Request #2 - Parking

A variance request is being made for 14 parking spaces for Parcel A. 17 parking spaces are required for the proposed uses. 3 parking spaces have been provided therefore a variance for 14 parking spaces is being requested.

Neighborhood Support

The applicant has met with members of the Cannonborough-Elliottborough Neighborhood on numerous occasions to share the development plans and variance request. On October 4, 2021 members of the Cannonborough-Elliottborough Neighborhood voted unanimously to support the development and variance requests at the monthly neighborhood meeting,

Variance Test Response

See attached variance narrative for a response to the 4 point variance test.

BZA-Z VARIANCE
REQUEST

OCTOBER 4, 2021

A115

FINAL BZA SLIDE

Agenda Item #B-4

2 BOGARD STREET

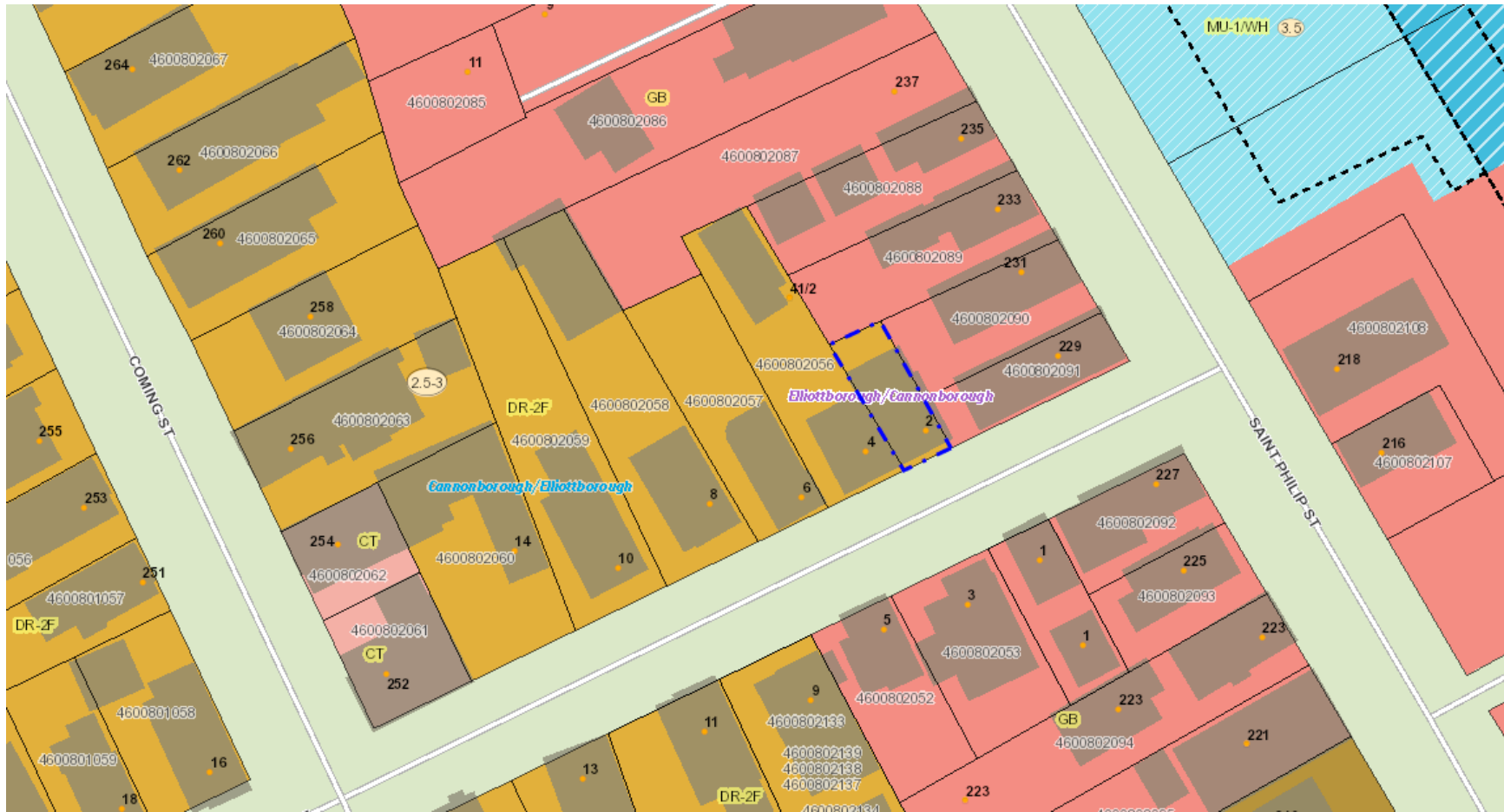
TMS # 460-08-02-055

(CANNONBOROUGH/ELLIOTBOROUGH)

Request use variance from Sec. 54-203 to allow only the first floor of a duplex to be changed to storage space for an existing adjacent restaurant use at 229 St. Philip St. in a DR-2F (Diverse-Residential) zone district.









City of Charleston

Instructions – This application, along with the required information and fee, must be submitted to the Permit Center at 2 George Street. **Applications are due by 12 Noon on the deadline date and must be complete to be accepted and placed on an agenda.** A sign will be posted on the property, and a public hearing will be conducted by the Board of Zoning Appeals – Zoning. **Permits authorized by the Board cannot be issued during a five (5) business day appeal period following the decision of the Board, except for use variances, the appeal period shall be fifteen (15) calendar days.** An appeal to the Board during this appeal period stays all further action on the application.

THE APPLICANT HEREBY REQUESTS:

- ☒ A Variance and/or Special Exception as indicated on page 2 of this application.
☐ Reconsideration of a decision of the Board or action of a zoning official (attach Appeal form).
☐ Extension of an unexpired Variance and/or Special Exception approval.

MEETING DATE REQUESTED: 11.2.2021

Property Address 2 BOGARD STREET TMS # 460-08-02-055

Property Owner 229 PIES LLC Daytime Phone _____

Applicant AJ ARCHITECTS Daytime Phone 843-810-0029

Applicant's Mailing Address 538 KING STREET, CHARLESTON SC 29403

E-mail Address ashley@ajarch.net

Relationship of applicant to owner (same, representative, prospective buyer, other) architect

Zoning of property DR-2F

Information required with application: (check information submitted)

- ☒ Scaled plans or plats, including elevations, showing the variance(s) or special exception(s) being requested (3 sets)
☐ For new construction or additions within a flood zone, show HVAC units and platform on scaled plans
☐ Scaled floor plans with rooms labeled and the total floor area for each dwelling unit noted are required for all density variances and building additions, unless exempted by the Zoning staff (3 sets)
☐ Plans or documents necessary to show compliance with special exception requirements (3 sets)
☐ Check, credit card or cash (make checks payable to the City of Charleston)
☐ **YES or** ☒ **NO** - Is this Property restricted by any recorded covenant that is contrary to, conflicts with or prohibits the proposed land use encompassed in this permit application? § 6-29-1145 of the South Carolina Code of Laws

Optional but very helpful information:

- ☒ Photographs
☐ Letters or petitions from neighbors or organizations directly affected by your request

I certify that the information on this application and any attachments is correct, that the proposed improvement(s) comply with private neighborhood covenants, if there are any, and that I am the owner of the subject property or the authorized representative of the owner. I authorize the subject property to be posted with a notice of the Board hearing and inspected.

Applicant [Signature] Date 10.4.2021

For office use only

Date application received _____ Fee \$ _____ Time application received _____
Staffperson _____ Receipt # _____

For **Variance** requests, applicants should list the specific variance(s) being requested and, if possible, explain how the variance test that follows is met (add as an attachment if necessary):

• Use Variance to allow mixed-use, commercial + residential, with DR-2F zoning

Variance Test: The Board of Zoning Appeals-Zoning is authorized to approve a variance from the requirements of the Zoning Ordinance when strict application of the provisions of the ordinance would result in unnecessary hardship. A variance may be granted in an individual case of unnecessary hardship if the Board makes the following findings:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property;
2. These conditions do not generally apply to other property in the vicinity;
3. Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and
4. The authorization of the variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.

In granting a variance, the Board may attach to it such conditions regarding the location, character, or other features of the proposed building, structure, or use as the board may consider advisable to protect established property values in the surrounding area or to promote the public health, safety, or general welfare. (SC Code of Laws § 6-29-800)

For **Special Exception** requests, applicants should list the specific approval(s) being requested and include documentation to demonstrate compliance with the relevant special exception requirements of the Zoning Ordinance, such as § 54-110, § 54-206, or sections in Article 5 (add as an attachment if necessary):

All approvals of the Board shall remain valid for two (2) years from the approval date, unless extended in accordance with the provisions of Article 9, Part 5 of the zoning ordinance. Applicants may not apply for the same request that has been denied by the Board until a period of six (6) months has lapsed.

aj architects

Pennye Ashby, Senior Zoning Planner
City of Charleston Zoning Department
2 George Street, Suite 3100
Charleston SC 29401

Re: Zoning Request - 2 Bogard Street

Dear Pennye,

Please consider this letter an attachment to the Zoning application for 2 Bogard Street. The structure at 2 Bogard is an existing duplex, and is in need of renovation. My clients would like to propose mixed use for the site, commercial on the ground floor and an apartment on the second floor. The lot is zoned DR-2F, and will not allow the commercial use. So, the proposed use will require the following Zoning approval:

VARIANCE:

•To allow mixed use on a lot zoned DR-2F. To allow mixed use

- a. *there are extraordinary and exceptional conditions pertaining to the particular piece of property:*

This property is located in an area that abuts commercial use and has very few windows on the ground floor. The proposed mixed use will enable the structure to be utilized on the ground floor with limited windows. This lot is unique in its context, it is small and has no off-street parking.

- b. *These conditions do not generally apply to other property in the vicinity*

This property is unique in its relationship to the commercial uses on St Philip Street.

- c. *because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonable restrict the utilization of the property,*

This property is currently configured as a non-conforming duplex, so any type of renovation will require a variance.

- d. *The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.*

This is a unique part of town in which mixed-use has already been established along this stretch of Bogard Street. So, the proposed use will not be out of character for this area.

We do not believe this is an unreasonable request.

Thank you for your consideration,

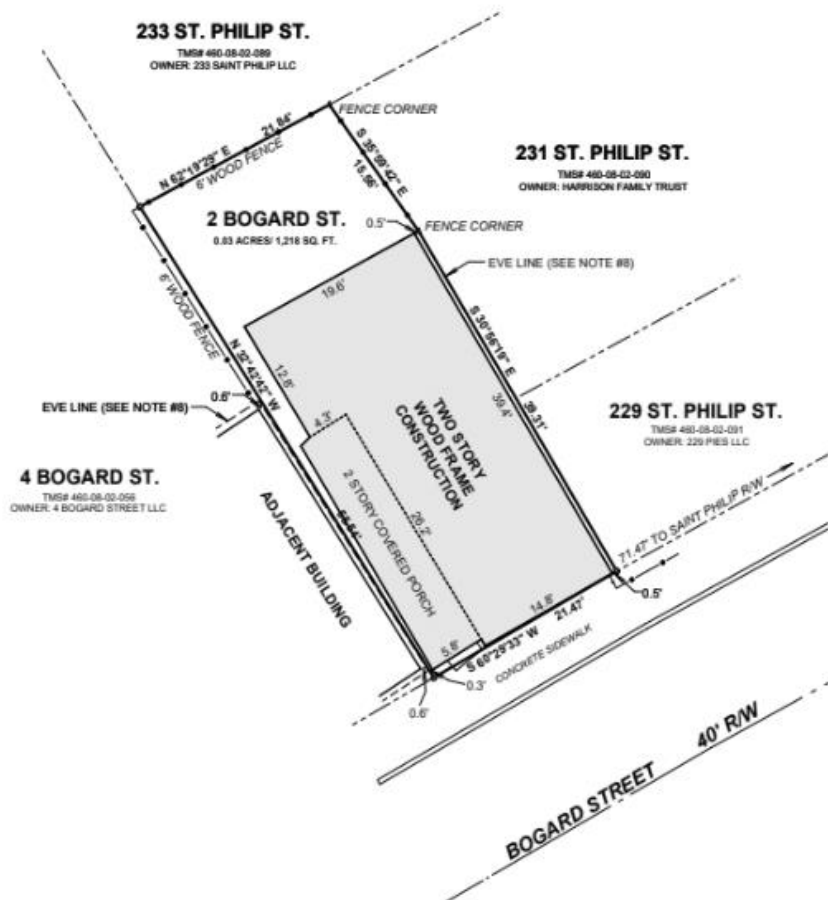
Ashley Jennings

REFERENCES:

1. DEED BOOK 0450, PAGE 289.

NOTES:

1. PROPERTY IS LOCATED IN FLOOD ZONE "X" ACCORDING TO F.E.M.A. F.I.R.M. MAP PANEL 45019C 0512 K, DATED 01-26-2021.
2. THE AREA SHOWN HERE ON WAS DETERMINED BY THE COORDINATE METHOD.
3. SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.
4. TMS# 460-08-02-055
5. DEED BK. 0450, PAGE 289
6. PROPERTY OWNER OF RECORD AT TIME OF SURVEY: 229 PIES LLC.
7. ANYTHING SHOWN OUTSIDE THE DEFINED BOUNDARY OF THIS SURVEY IS FOR DESCRIPTIVE PURPOSES ONLY, AND WAS NOT SURVEYED.
8. BOUNDARY LINES DEPICTED BASED ON LINES OF OCCUPATION OF LONG DURATION, AND/OR FOUND MONUMENTS.

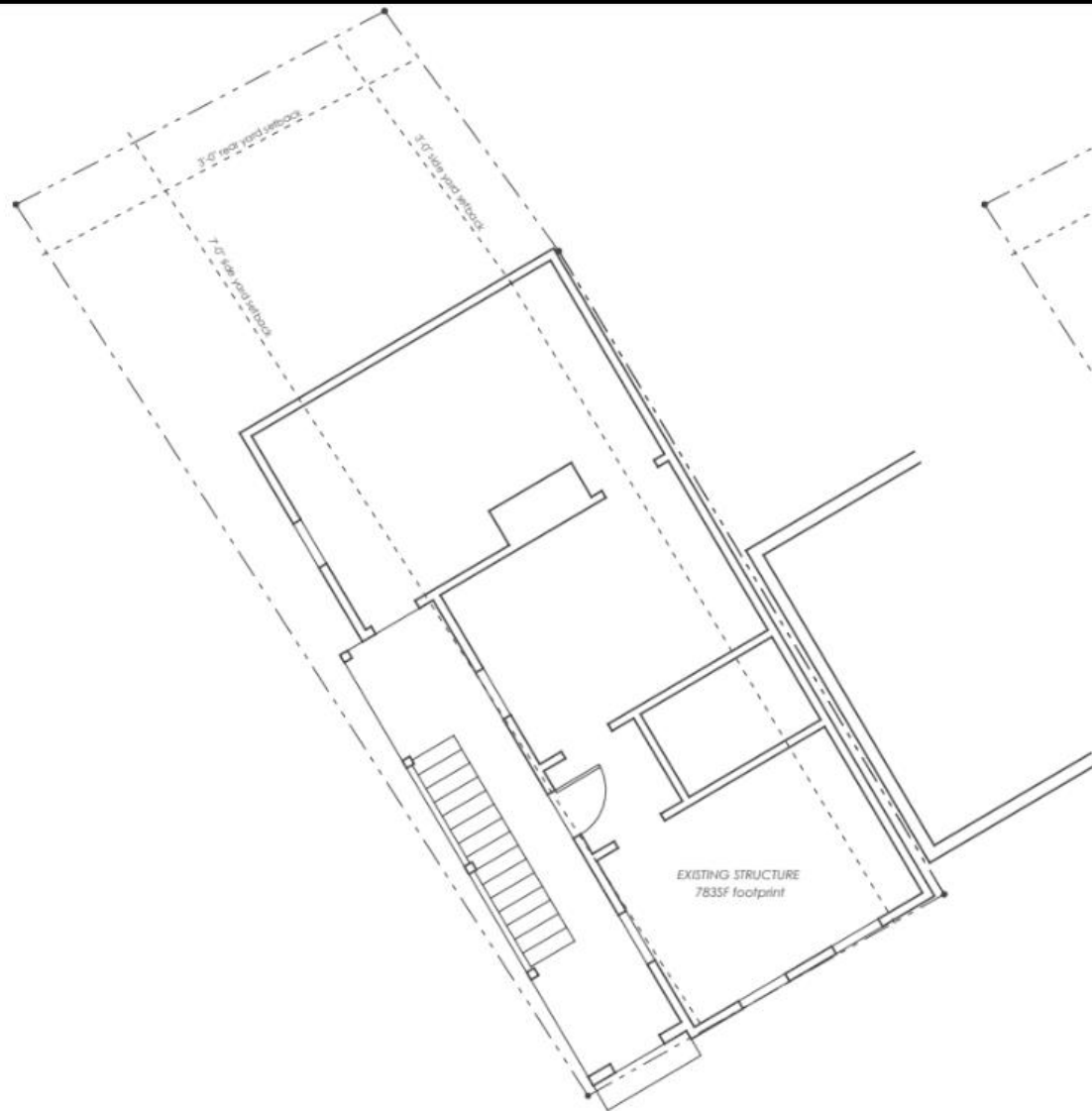


PLAT SHOWING
2 BOGARD STREET
T.M.S.# 460-08-02-055
LOCATED IN THE CITY OF CHARLESTON,
CHARLESTON COUNTY, SOUTH CAROLINA

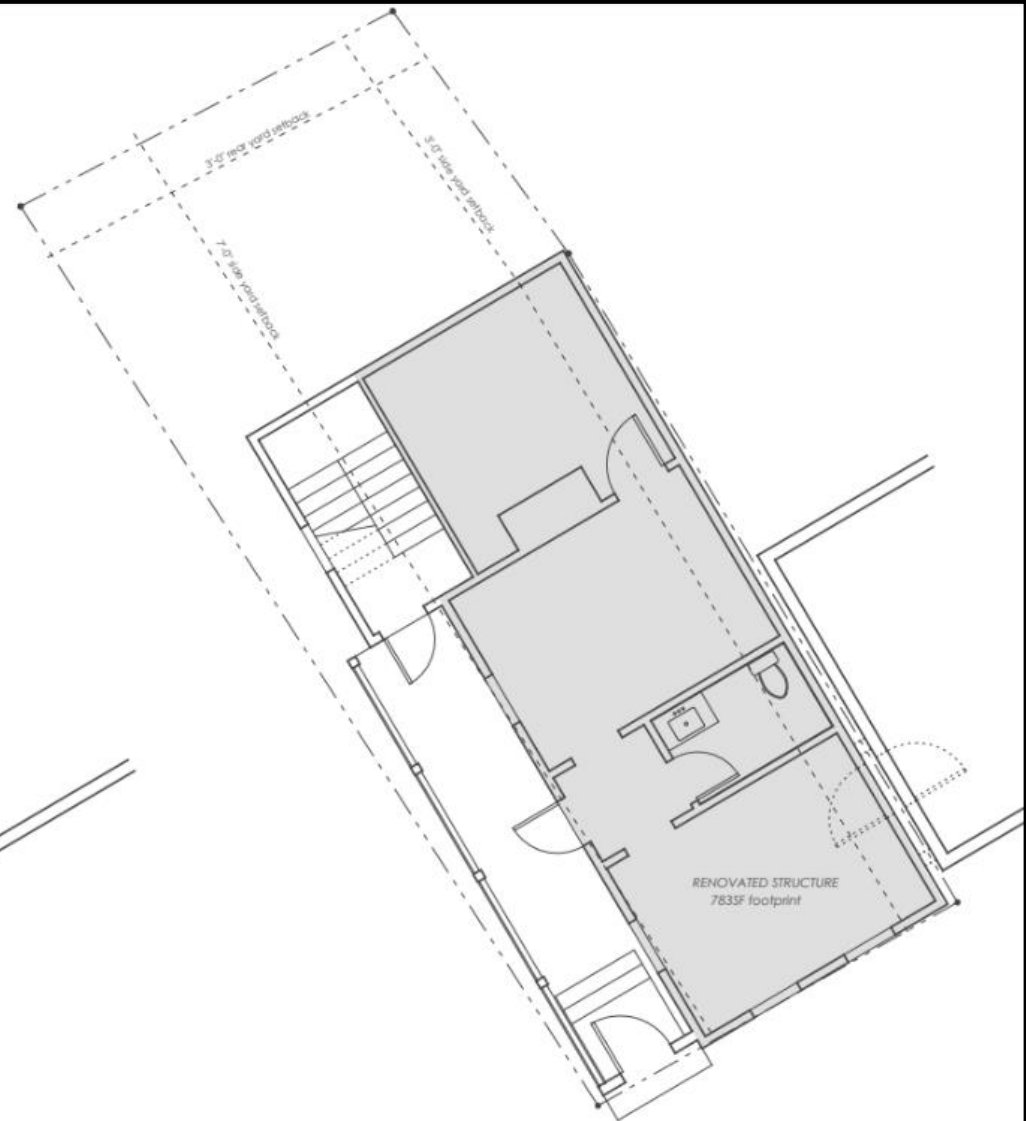
DATE: 7 MAY 2021





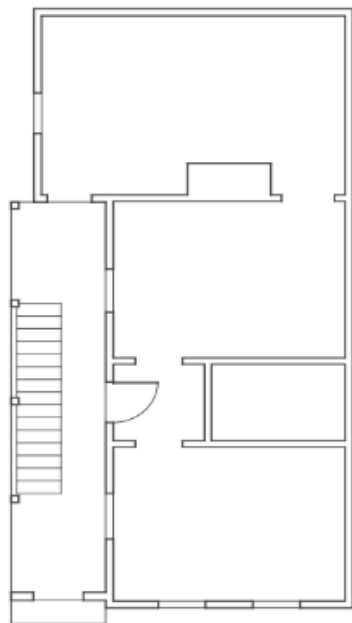


existing site plan: 1/4" = 1'-0"

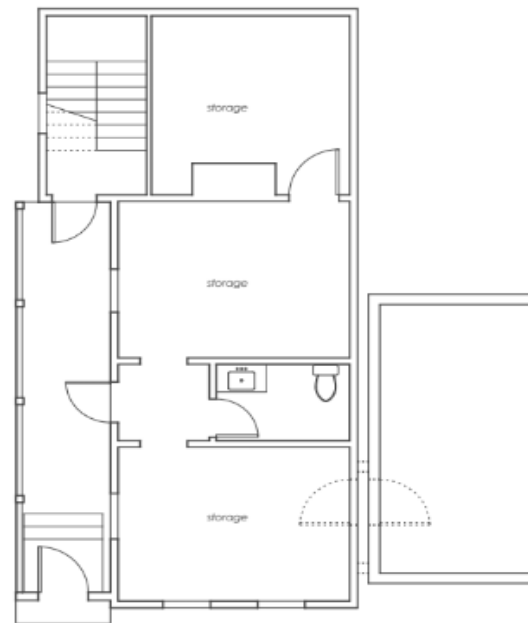


proposed site plan: 1/4" = 1'-0"

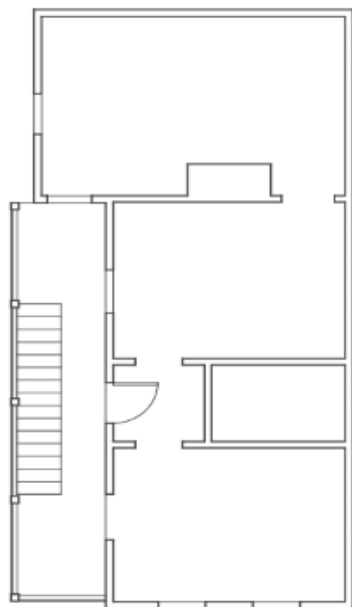
indicates proposed commercial use



existing first floor plan: 1/4" = 1'-0"



proposed first floor plan: 1/4" = 1'-0"



existing second floor plan: 1/4" = 1'-0"



proposed second floor plan: 1/4" = 1'-0"



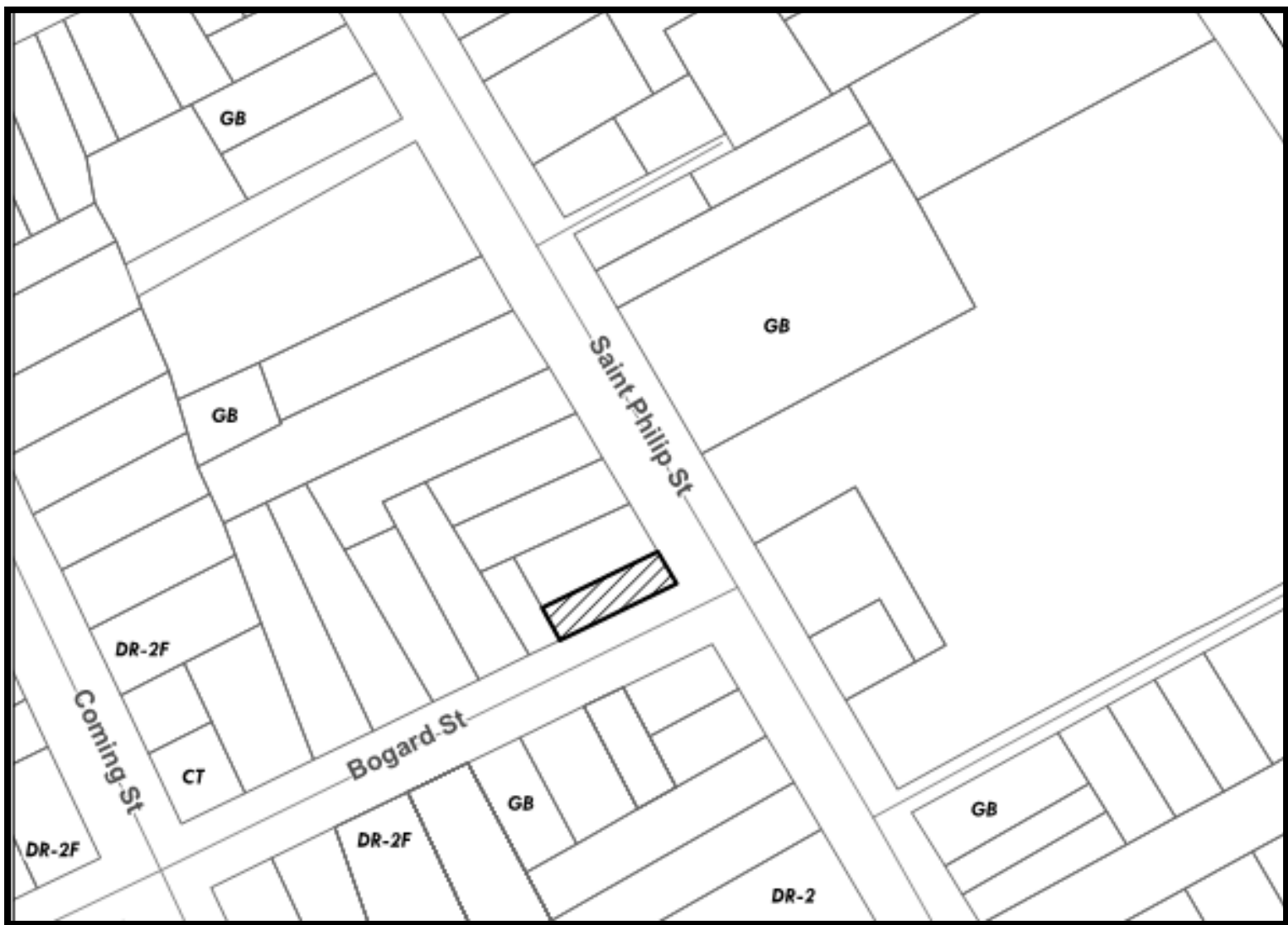
Agenda Item #B-5

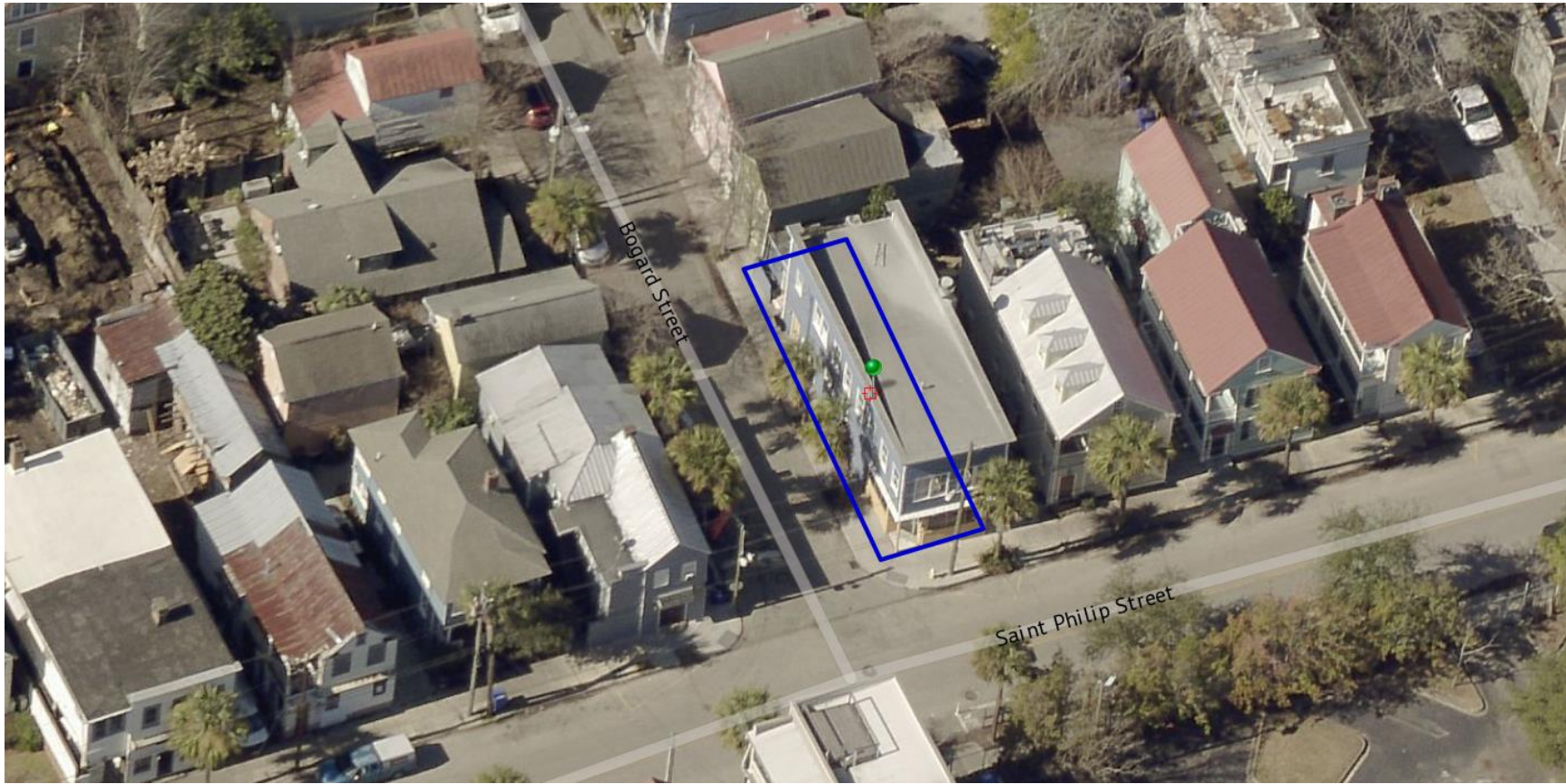
229 SAINT PHILIP STREET
(CANNONBOROUGH/ELLIOTBOROUGH)

TMS # 460-08-02-091

Request special exception under Sec. 54-511 to allow an existing restaurant to expand to the second floor adding 565sf of inside patron use area for a total of 921sf (1st and 2nd flr) without providing required 10 parking spaces (5 parking spaces grandfathered).

Zoned GB









City of Charleston

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- ☐ A Variance and/or Special Exception as indicated on page 2 of this application.
- ☐ Reconsideration of a decision of the Board or action of a zoning official (attach Appeal form).
- ☐ Extension of an unexpired Variance and/or Special Exception approval.

MEETING DATE REQUESTED: 11.2.2021
Property Address 229 St Philip Street TMS # 460-08-02-091
Property Owner 229 PIES LLC Daytime Phone _____
Applicant AJ ARCHITECTS Daytime Phone 843-810-0029
Applicant's Mailing Address 538 King Street, Charleston SC 29403
E-mail Address ashley@ajarch.net
Relationship of applicant to owner (same, representative, prospective buyer, other) architect
Zoning of property GB-non residential

Information required with application: (check information submitted)

- ☐ Scaled plans or plats, including elevations, showing the variance(s) or special exception(s) being requested (3 sets)
- ☐ For new construction or additions within a flood zone, show HVAC units and platform on scaled plans
- ☐ Scaled floor plans with rooms labeled and the total floor area for each dwelling unit noted are required for all density variances and building additions, unless exempted by the Zoning staff (3 sets)
- ☐ Plans or documents necessary to show compliance with special exception requirements (3 sets)
- ☐ Check, credit card or cash (make checks payable to the City of Charleston)
- ☐ YES or ☐ NO - Is this Property restricted by any recorded covenant that is contrary to, conflicts with or prohibits the proposed land use encompassed in this permit application? § 6-29-1145 of the South Carolina Code of Laws

Optional but very helpful information:

- ☐ Photographs
- ☐ Letters or petitions from neighbors or organizations directly affected by your request

I certify that the information on this application and any attachments is correct, that the proposed improvement(s) comply with private neighborhood covenants, if there are any, and that I am the owner of the subject property or the authorized representative of the owner. I authorize the subject property to be posted with a notice of the Board hearing and inspected.

Applicant _____ Date 10.4.2021

For office use only	
Date application received _____	Time application received _____
Staffperson _____	Fee \$ _____ Receipt # _____

For **Variance** requests, applicants should list the specific variance(s) being requested and, if possible, explain how the variance test that follows is met (add as an attachment if necessary):

Variance Test: The Board of Zoning Appeals-Zoning is authorized to approve a variance from the requirements of the Zoning Ordinance when strict application of the provisions of the ordinance would result in unnecessary hardship. A variance may be granted in an individual case of unnecessary hardship if the Board makes the following findings:

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2. These conditions do not generally apply to other property in the vicinity;
3. Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and
4. The authorization of the variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.

In granting a variance, the Board may attach to it such conditions regarding the location, character, or other features of the proposed building, structure, or use as the board may consider advisable to protect established property values in the surrounding area or to promote the public health, safety, or general welfare. (SC Code of Laws § 6-29-800)

For **Special Exception** requests, applicants should list the specific approval(s) being requested and include documentation to demonstrate compliance with the relevant special exception requirements of the Zoning Ordinance, such as § 54-110, § 54-206, or sections in Article 5 (add as an attachment if necessary):

See attached

All approvals of the Board shall remain valid for two (2) years from the approval date, unless extended in accordance with the provisions of Article 9, Part 5 of the zoning ordinance. Applicants may not apply for the same request that has been denied by the Board until a period of six (6) months has lapsed.

aj architects

Pennye Ashby, Senior Zoning Planner
City of Charleston Zoning Department
2 George Street, Suite 3100
Charleston SC 29401

Re: Zoning Request - 229 St Philip Street

Dear Pennye,

Please consider this letter an attachment to the Zoning application for 229 St Philip Street. The structure at 229 St Philip Street is an existing mixed use, with a restaurant on the first floor and a single family residence on the second floor. My clients would like to expand the restaurant use to the second floor. So, the proposed use will require the following Zoning approval:

SPECIAL EXCEPTION, SECTION 54-511:

•To allow expansion of the restaurant use with no off-street parking, the board is charged with considering the following items, addressed specifically for this property:

1. *The proposed use, restaurant, is allowed in this district.*
2. *The configuration of the building on the lot makes it infeasible to provide off-street parking; the building occupies almost 100% of the lot.*
3. *There is no available street frontage to create a drive; this building, as it sits on the lot, provides no break for a drive or parking.*
4. *Since this area of St Philip Street is mixed use, we do not believe the granting of the special exception will adversely affect neighboring properties. The restaurant has existed on this corner for many years - this is an expansion of that use.*
5. *Our client has made a good-faith effort to secure other parking, but the lack of public parking garages and lots in this area has limited that search.*

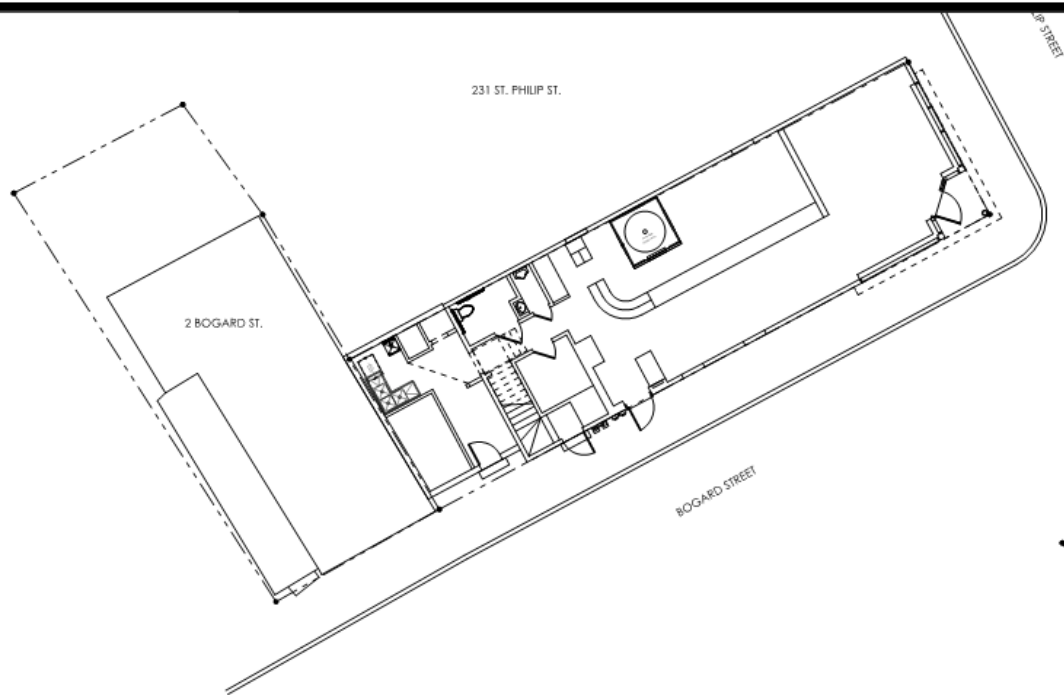
We do not believe this is an unreasonable request.

Thank you for your consideration,



Ashley Jennings

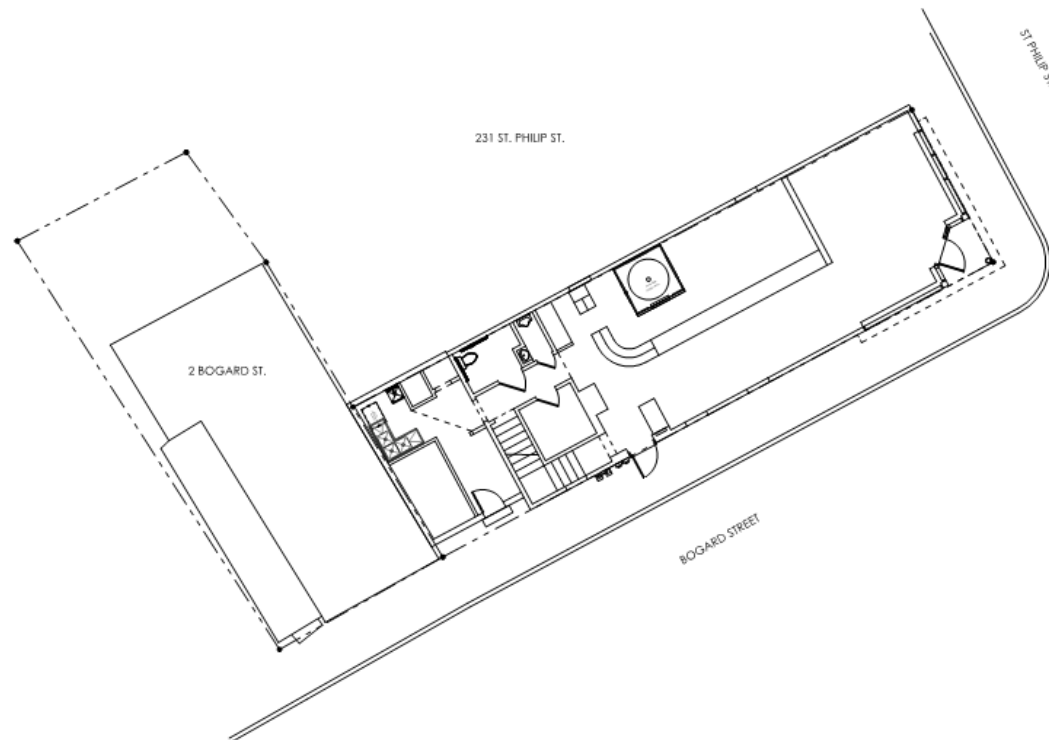




proposed site plan: 1/8" = 1'-0"

ZONING INFORMATION:

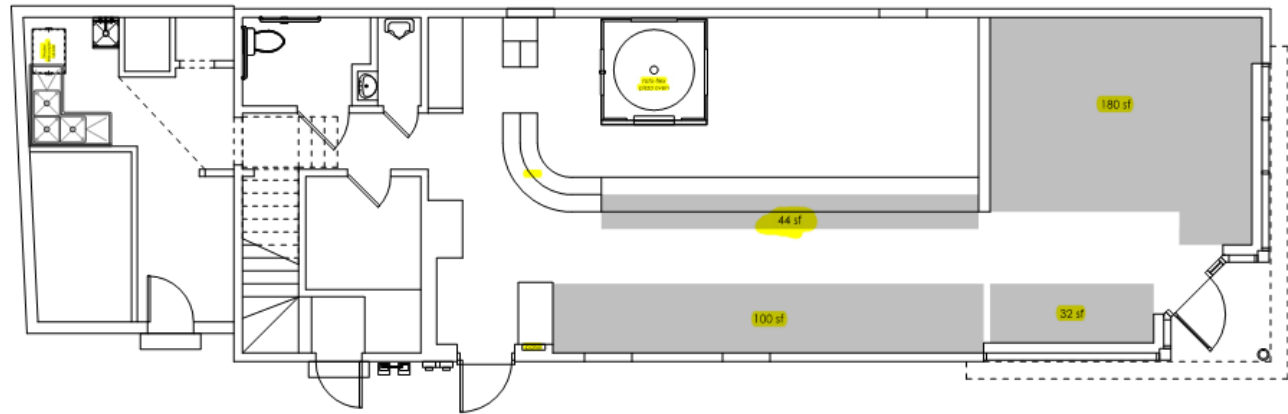
TMS 460-08-02-091
 zoning OB- Non-Residential
 setbacks front: not required
 rear: not required
 north/east side: not required
 south/west side: not required
 lot coverage: not applicable
 parking: 1 residence = 2 spaces, none existing, **existing non-conforming**
 Eating establishment (on peninsula): 1 space per 100SF of patron use
 3563F patron use/100 = 3.56, or 4 spaces
 Apartment: 2 spaces
 6 spaces required
 0 space provided **EXISTING NON-CONFORMING**



proposed site plan: 1/8" = 1'-0"

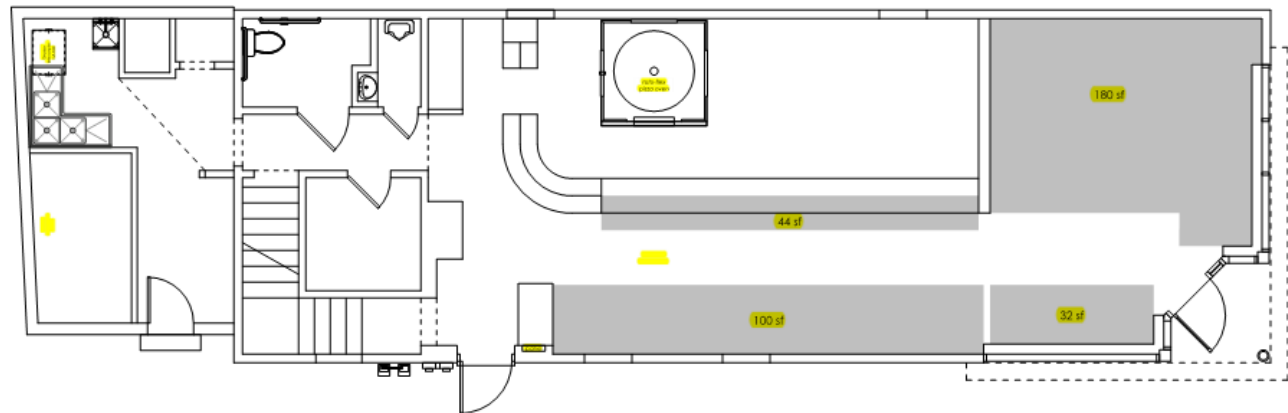
ZONING INFORMATION:

TMS 460-08-02-091
 zoning OB- Non-Residential
 setbacks front: not required
 rear: not required
 north/east side: not required
 south/west side: not required
 lot coverage: not applicable
 parking: Eating establishment (on peninsula): 1 space per 100SF of patron use
 9215F patron use/100 = 9.21, or 10 spaces
 10 spaces required
 0 space provided **NON-CONFORMING - SPECIAL EXCEPTION REQUESTED**



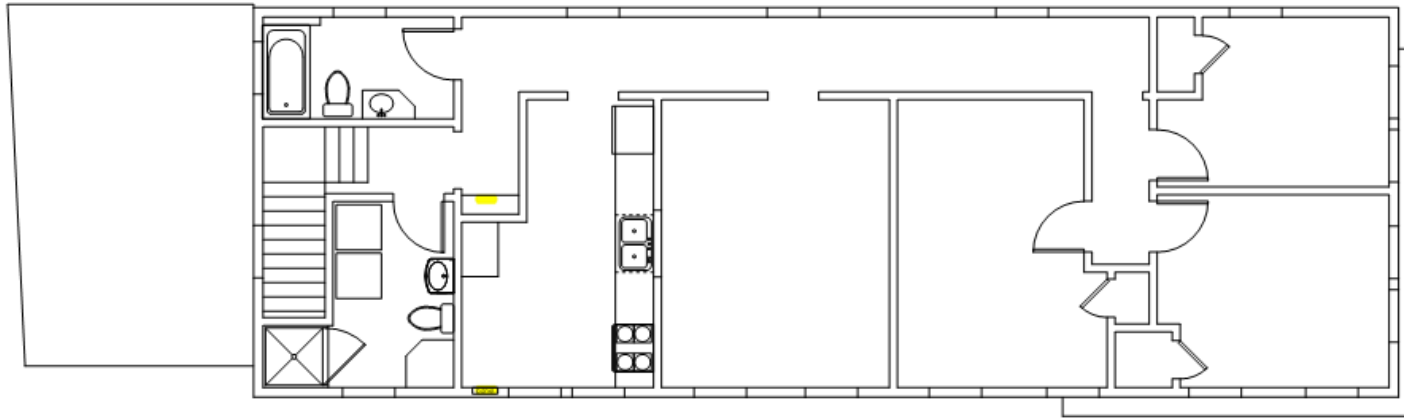
existing first floor plan: 1/4" = 1'-0"

■ indicates patron use area

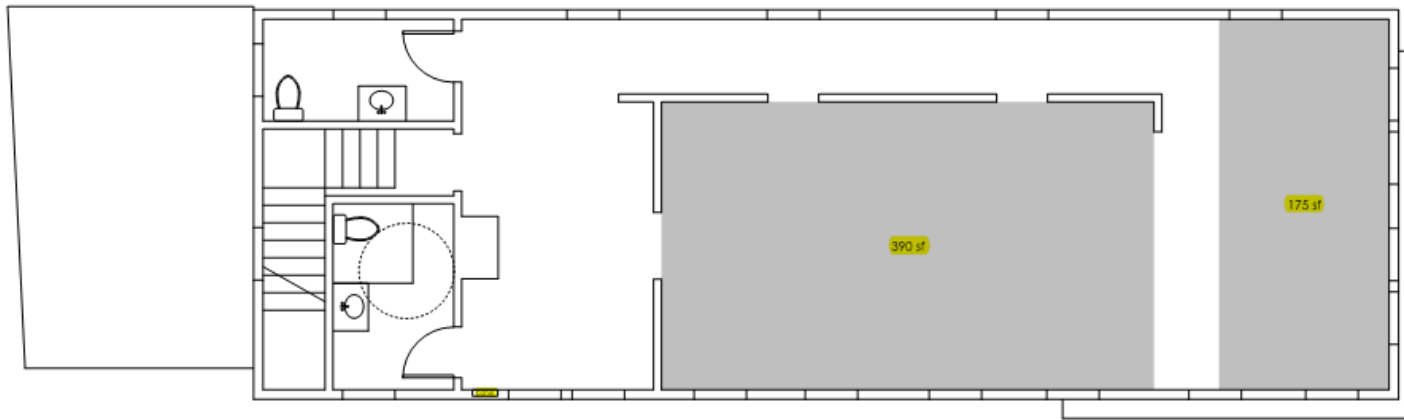


proposed first floor plan: 1/4" = 1'-0"

■ indicates patron use area



existing second floor plan: 1/4" = 1'-0"



proposed second floor plan: 1/4" = 1'-0"

■ indicates patron use area

Agenda Item #B-6

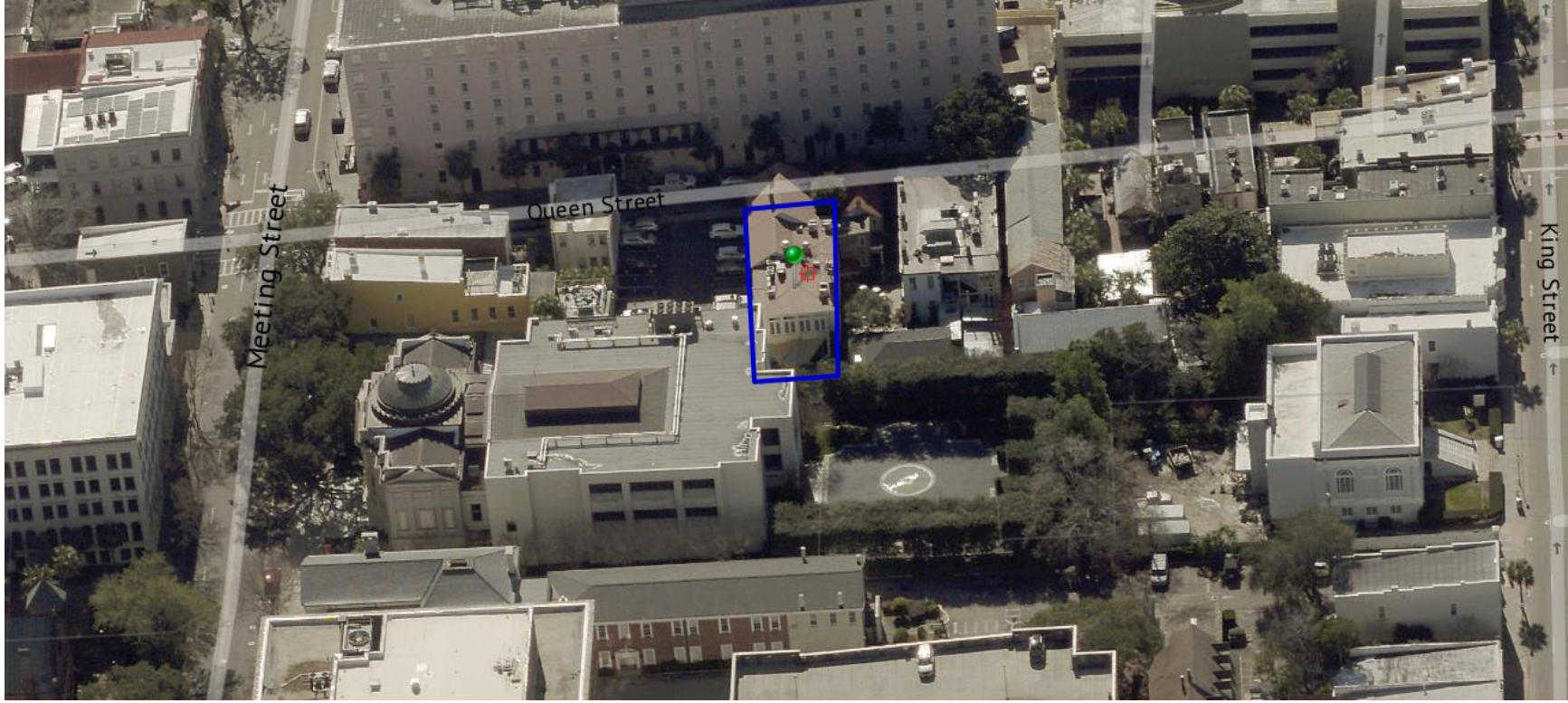
72 QUEEN STREET

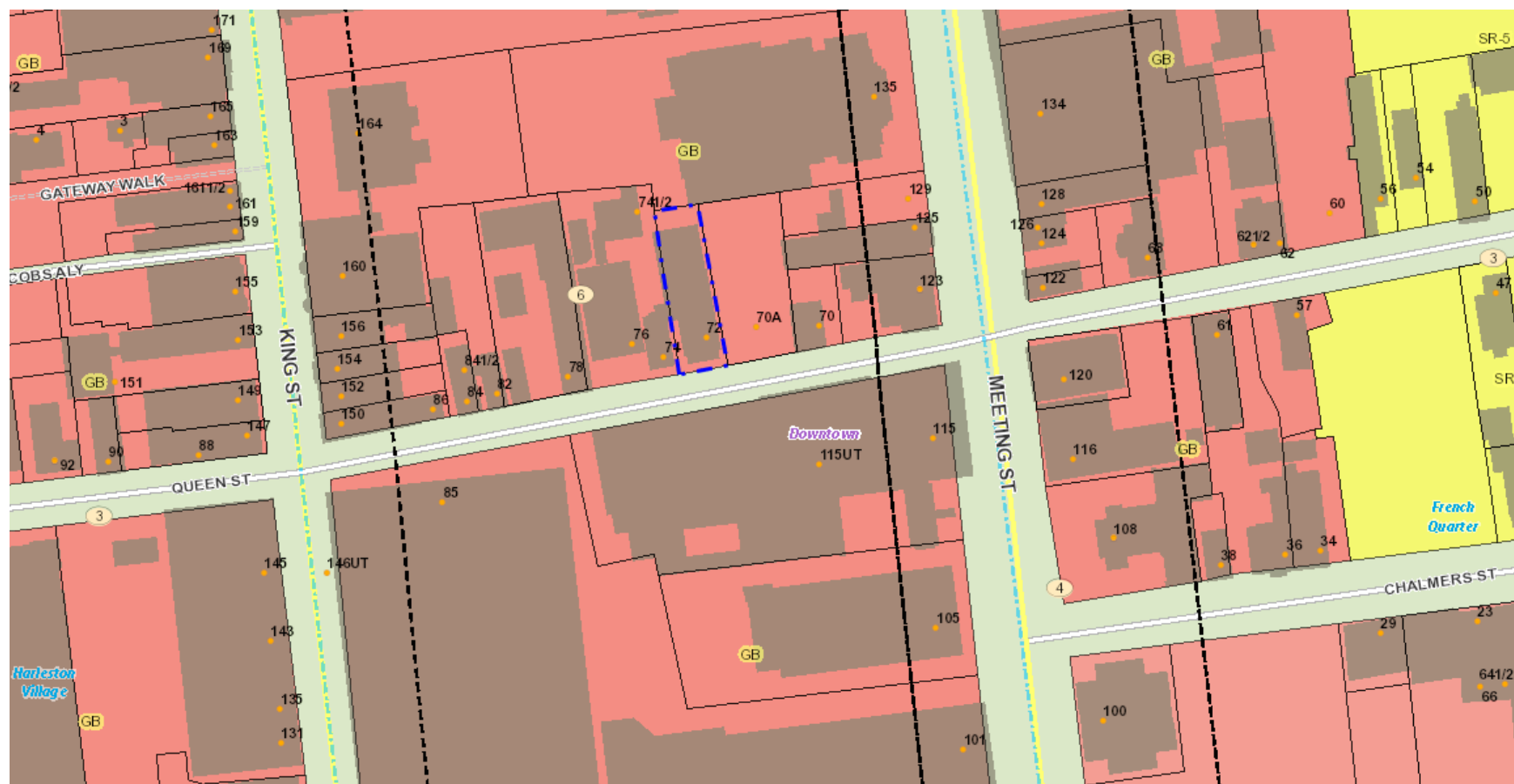
TMS # 457-08-04-008

Request special exception under Sec. 54-511 to allow a 2-story addition (kitchen expansion/covered porch) to an existing restaurant use having 2,416sf of inside patron use area (1st and 2nd floor) and 420sf of outdoor patron use area (1st and 2nd floor) without providing required parking spaces (21 spaces required; property is grandfathered for 19 spaces).

Zoned GB











City of Charleston

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- ☒ A Variance and/or Special Exception as indicated on page 2 of this application.
☐ Reconsideration of a decision of the Board or action of a zoning official (attach Appeal form).
☐ Extension of an unexpired Variance and/or Special Exception approval.

MEETING DATE REQUESTED: NOVEMBER 2ND

Property Address 72 QUEEN ST. TMS # 457 080 4008

Property Owner BALL SOUTH INC. Daytime Phone 843-364-6426

Applicant J. ELDER STUDIO Daytime Phone 646-619-7494

Applicant's Mailing Address 30 W. BROUGHTON ST. SAVANNAH,
GA. 31401. E-mail Address jerome@jelderstudio.com

Relationship of applicant to owner (same, representative, prospective buyer, other) REPRESENTATIVE

Zoning of property GB

Information required with application: (check information submitted)

- ☒ Scaled plans or plats, including elevations, showing the variance(s) or special exception(s) being requested (3 sets)
☐ For new construction or additions within a flood zone, show HVAC units and platform on scaled plans
☒ Scaled floor plans with rooms labeled and the total floor area for each dwelling unit noted are required for all density variances and building additions, unless exempted by the Zoning staff (3 sets)
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☐ Check, credit card or cash (make checks payable to the City of Charleston)
☐ **YES or NO** - Is this Property restricted by any recorded covenant that is contrary to, conflicts with or prohibits the proposed land use encompassed in this permit application? § 6-29-1145 of the South Carolina Code of Laws

Optional but very helpful information:

- ☒ Photographs
☐ Letters or petitions from neighbors or organizations directly affected by your request

I certify that the information on this application and any attachments is correct, that the proposed improvement(s) comply with private neighborhood covenants, if there are any, and that I am the owner of the subject property or the authorized representative of the owner. I authorize the subject property to be posted with a notice of the Board hearing and inspected.

Applicant Jane Elder Date 10/1/21

For office use only

Date application received _____ Time application received _____
Staffperson _____ Fee \$ _____ Receipt # _____

For **Variance** requests, applicants should list the specific variance(s) being requested and, if possible, explain how the variance test that follows is met (add as an attachment if necessary):

N/A

Variance Test: The Board of Zoning Appeals-Zoning is authorized to approve a variance from the requirements of the Zoning Ordinance when strict application of the provisions of the ordinance would result in unnecessary hardship. A variance may be granted in an individual case of unnecessary hardship if the Board makes the following findings:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property;
2. These conditions do not generally apply to other property in the vicinity;
3. Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and
4. The authorization of the variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.

In granting a variance, the Board may attach to it such conditions regarding the location, character, or other features of the proposed building, structure, or use as the board may consider advisable to protect established property values in the surrounding area or to promote the public health, safety, or general welfare. (SC Code of Laws § 6-29-800)

For **Special Exception** requests, applicants should list the specific approval(s) being requested and include documentation to demonstrate compliance with the relevant special exception requirements of the Zoning Ordinance, such as § 54-110, § 54-206, or sections in Article 5 (add as an attachment if necessary):

SECTION 54-511

a. (1) PROPOSED USE (RESTAURANT) IS ALLOWED

(2) EXISTING BUILDING AS CONFIGURED IS NOT FEASIBLE TO PROVIDE ^{PARKING} OFF-STREET.

(3) STREET FRONTAGE IS VERY LIMITING AND DOES NOT ALLOW FOR DRIVEWAY ACCESS

(4) NO IT WILL NOT ADVERSELY AFFECT NEIGHBORING PROPERTIES.

(5) THE APPLICANT HAS PURSUED GOOD FAITH EFFORTS TO PROVIDE OFF-STREET ^{PARKING}.

b. N/A

All approvals of the Board shall remain valid for two (2) years from the approval date, unless extended in accordance with the provisions of Article 9, Part 5 of the zoning ordinance. Applicants may not apply for the same request that has been denied by the Board until a period of six (6) months has lapsed.

